

# MAINE STATE LEGISLATURE

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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE**

**SENATE**

**126TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT " A " to S.P. 579, L.D. 1532, Bill, "An Act To Provide Model Language for Standard Sewer District Charters"

Amend the bill in section 6 in §1032 in subsection 2 in the first line (page 2, line 11 in L.D.) by inserting after the following: "rent" the following: ', assessment, supplemental charge'

Amend the bill in section 6 in §1033 in subsection 5 in paragraph D in the last line (page 3, line 34 in L.D.) by inserting after the following: "services" the following: 'or accept sewage or septage'

Amend the bill in section 6 in §1035 in the first paragraph in the 3rd line (page 4, line 22 in L.D.) by striking out the following: "obtain" and inserting the following: 'request'

Amend the bill in section 6 in §1036 in subsection 1 in the first paragraph in the last line (page 4, line 37 in L.D.) by inserting after the following: "121" the following: ', and all elections must be conducted by secret ballot in accordance with Title 30-A, section 2528'

Amend the bill in section 6 in §1036 in subsection 1 by striking out all of the last blocked paragraph (page 5, lines 8 to 16 in L.D.) and inserting the following:

'The trustees shall acquire a complete list of all the registered voters residing in the standard district. The trustees may acquire this list or portions of the list from the registrar of any town within the standard district. The town may charge a fee for providing the list. The list acquired by the trustees governs the eligibility of a voter. Voters who reside outside the territorial limits of the standard district, as defined in its charter, are not eligible voters. All warrants issued for elections by the trustees must show that only the voters residing within the territorial limits of the standard district are entitled to vote.'

Amend the bill in section 6 in §1036 by inserting at the end the following:

**'10. Recall.** A trustee may be recalled under the following provisions.

**A.** The eligible voters of a standard district may petition for the recall of any trustee after the first year of the term for which the trustee is elected by filing a petition with

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1 the municipal clerk, or the county commissioners in the case of unorganized territory,  
2 demanding the recall of the trustee. A trustee may be subject to recall for  
3 misfeasance, malfeasance or nonfeasance in office. The petition must be signed by  
4 eligible voters of that portion of the standard district that that trustee represents equal  
5 to at least 25% of the vote cast for the office of Governor at the last gubernatorial  
6 election within that portion of the standard district. The recall petition must state the  
7 reason for which removal is sought.

8 B. Within 3 days after the petition is offered for filing, the official with whom the  
9 petition is left shall determine by careful examination whether the petition is  
10 sufficient and so state in a certificate attached to the petition. If the petition is found  
11 to be insufficient, the certificate must state the particulars creating the insufficiency.  
12 The petition may be amended to correct any insufficiency within 5 days following the  
13 affixing of the original certificate. Within 2 days after the offering of the amended  
14 petition for filing, the petition must again be carefully examined to determine  
15 sufficiency and a certificate stating the findings must be attached. Immediately upon  
16 finding an original or amended petition sufficient, the official shall file the petition  
17 and call a special election to be held not less than 40 days nor more than 45 days  
18 from the filing date. The official shall notify the trustee against whom the recall  
19 petition is filed of the special election.

20 C. The trustee against whom the recall petition is filed must be a candidate at the  
21 special election without nomination, unless the trustee resigns within 10 days after  
22 the original filing of the petition. There may not be a primary. Candidates for the  
23 office may be nominated under the usual procedure of nomination for a primary  
24 election by filing nomination papers, not later than 5 p.m., 4 weeks preceding the  
25 election and have their names placed on the ballot at the special election.

26 D. The trustee against whom a recall petition has been filed shall continue to perform  
27 the duties of the trustee's office until the result of the special election is officially  
28 declared. The person receiving the highest number of votes at the special election is  
29 declared elected for the remainder of the term. If the incumbent receives the highest  
30 number of votes, the incumbent continues in office. If another receives the highest  
31 number of votes, that person succeeds the incumbent, if that person qualifies, within  
32 10 days after receiving notification.

33 E. After one recall petition and special election, no further recall petition may be  
34 filed against the same trustee during the term for which the trustee was elected.'

35 Amend the bill in section 6 in §1044 in the first paragraph in the last line (page 10,  
36 line 30 in L.D.) by inserting after the following: "entity" the following: 'whether located  
37 inside or outside the boundaries of the standard district'

38 Amend the bill in section 6 in §1048 by striking out all of subsection 2 (page 13, lines  
39 11 to 13 in L.D.) and inserting the following:

40 **2. Multidistrict rates.** Notwithstanding any other provision of law, a standard  
41 district that shares, supplies or contracts for services with another district shall establish  
42 rates mutually agreeable to the trustees of each participating district.'

43 Amend the bill in section 6 in §1048 by inserting after subsection 8 the following:

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1 **9. Disconnection of water service for nonpayment of sewer services.** If a  
2 standard district is part of a multidistrict utility that is a consumer-owned water utility, the  
3 utility may disconnect water service for failure to pay for sewer service in accordance  
4 with Title 35-A, section 6111-C.'

5 Amend the bill in section 6 in §1050 in subsection 1 in paragraph B in the last 2 lines  
6 (page 15, lines 2 and 3 in L.D.) by striking out the following: "that includes this section in  
7 its charter" and inserting the following: 'unless this section is expressly excluded from the  
8 standard district's charter'

9 **SUMMARY**

10 This amendment adds assessments and supplemental charges to the definition of  
11 "rates" for the purposes of standard sewer district charters. This amendment clarifies that  
12 standard sewer district trustees must hold elections by secret ballot. This amendment  
13 removes the requirement that a registrar must be appointed by the trustees and that the  
14 trustees must set the registrar's salary; instead, it requires trustees to acquire a list of  
15 eligible voters. This amendment adds a recall provision to the standard sewer district  
16 charter. This amendment makes it clear that a standard district, through its trustees, may  
17 contract with entities inside and outside the standard district's boundaries. This  
18 amendment adds a reference to the disconnection authority of multipurpose districts that  
19 are part of consumer-owned water utilities.