

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**7. Report.** The commissioner, within 24 months of the issuance of the first endorsement for a marine organism, shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding the status of the emerging fishery, management goals and objectives and control of access to the emerging fishery. In the report, the commissioner shall consider:

A. The long-term sustainability of the resource;

B. The impact of harvesting on other fisheries; and

C. The department's ability to enforce and administer the management program.

See title page for effective date.

## CHAPTER 298

H.P. 1442 - L.D. 2063

### An Act to Maintain Protection of Sand Dunes Under Existing Law

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §480-E, sub-§9** is enacted to read:

**9. Permit; reconstruction in V-Zone.** The department may not deny a permit for reconstruction of a structure under this article solely because the structure is located in a V-Zone designated after January 1, 1999 by the Federal Emergency Management Agency for the National Flood Insurance Program. "Reconstruction" includes reconstruction due to an ocean storm.

See title page for effective date.

## CHAPTER 299

S.P. 187 - L.D. 580

### An Act to Clarify the Voting Rights of Persons Residing in Certain Sanitary Districts

**Emergency preamble.** **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** it is immediately important to secure the voting rights of persons residing in certain sanitary districts; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §1104, sub-§1,** as enacted by PL 1981, c. 466, §3, is amended to read:

**1. Authorization.** All the affairs of a sanitary district ~~shall be~~ are managed by an elected board of trustees which ~~shall consist~~ consists of not less than 3 trustees, or not less than 5 trustees in sanitary districts involving more than one municipality or one or more municipalities and residents of an unorganized territory. The exact number of trustees ~~shall be~~ is determined in accordance with section 1101. A sanitary district may alter the number of trustees by submitting the proposed alteration to the voters in the same manner as provided in section 1101, subsection 7. No municipality ~~nor~~ or unorganized territory within any sanitary district may have less than one trustee. A quorum of the trustees may conduct the affairs of the district even if there is a vacancy on the board of trustees.

In the case of a sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality, all trustees must be residents of the municipality and a majority of the trustees must be residents within the district. A trustee who ceases to qualify for the office of trustee as a result of the application of this subsection shall vacate the office of trustee and the vacancy must be filled as provided in section 1105.

**Sec. 2. 38 MRSA §1105,** as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §214, is further amended by adding after the first paragraph a new paragraph to read:

In the case of a sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality, when the term of office of a trustee expires, the trustee's successor must be elected at large by a plurality vote of the voters within the territory of the district.