



127th MAINE LEGISLATURE

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Legislative Document

No. 827

H.P. 561

House of Representatives, March 10, 2015

An Act To Amend the Fluoridation Laws To Provide for Customer Choice

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SEAVEY of Kennebunkport.
Cosponsored by Senator COLLINS of York and
Representative: DUNPHY of Embden.

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

2 **Sec. 1. 22 MRSA §2653**, as amended by PL 1987, c. 122, §2, is further amended
3 to read:

4 **§2653. Authorization of fluoridation; general provisions**

5 **1. Requirement for authorization.** ~~No~~ A public water system may not add any
6 fluoride to any water supply without first having been authorized to do so by the
7 customers of the public water system or by the registered voters of the affected single or
8 multiple community water district served by it. Any public water system duly authorized
9 to add fluoride to any water supply shall do so within ~~9~~ 12 months after being notified in
10 accordance with this section. ~~The~~ In the case of authorization by registered voters in a
11 single or multiple community water district, the municipal clerk shall, within 10 days
12 after the vote, notify the public water system of the vote favoring or not favoring the
13 addition of fluoride to the public water supply.

14 **2. Form of question.** Any time the issue of whether to fluoridate a public water
15 supply is submitted to customers of the public water system or the registered voters of a
16 single or multiple community water district, the question ~~shall~~ must be phrased as
17 follows: "Shall fluoride be added to the public water supply for the intended purpose of
18 reducing tooth decay?"

19 **3. Prohibition.** Whenever a customers of the public water system or the registered
20 voters of the single community water district ~~has~~ is served by the public water system have
21 approved fluoridation, ~~it~~ they may not again vote on the matter for a minimum period of 2
22 years from the date of installation of fluoride. Whenever a customers of the public water
23 system or the registered voters of the single community water district ~~has~~ is served by the
24 public water system have disapproved fluoride, ~~it~~ the voters may not vote again on the
25 matter for a minimum period of 2 years. Whenever a customers of the public water
26 system or the registered voters of the multiple community water district ~~has~~ is served by the
27 public water system have approved fluoridation, ~~it~~ the voters may not vote again on the
28 matter until the first general election after 2 years from the date of installation of fluoride.
29 Whenever a customers of the public water system or the registered voters of the multiple
30 community water district ~~disapproves~~ is served by the public water system ~~disapprove~~
31 fluoride, ~~it~~ the voters may not vote again on the matter until the next general election.

32 **4. Authorization not required.** The authorization required by subsection 1 ~~shall~~
33 does not apply to any public water supply ~~which~~ that receives or purchases less than 50%
34 of its total annual water supply from another public water supply authorized to add
35 fluoride to its water supply.

36 **Sec. 2. 22 MRSA §2654, sub-§1**, as amended by PL 1991, c. 824, Pt. A, §43, is
37 repealed and the following enacted in its place:

38 **1. Single community water districts.** In a single community water district, the vote
39 on the issue of fluoridation must be called:

40 A. By a majority vote of the municipal officers acting on their own initiative;

1 B. Pursuant to a petition meeting the requirements established for a referendum vote
2 by the municipality's home rule charter or, if the municipality has no home rule
3 charter, as provided by Title 30-A, section 2522; or

4 C. Pursuant to a petition by 15% of the customers of the public water system or
5 1,000 customers, whichever is less.

6 **Sec. 3. 22 MRSA §2654, sub-§2**, as amended by PL 1987, c. 122, §4, is further
7 amended to read:

8 **2. Multiple community water districts.** In the case of a multiple community water
9 district, authorization ~~shall~~ must be by a majority vote of the customers of the water
10 district or by a majority vote of those voting at a multiple community water system
11 district-wide election. A valid request for an election on whether or not to authorize the
12 addition of fluoride may be made in ~~either~~ one of the following ways.

13 A. A valid request for an election ~~shall have been~~ is made when a majority of
14 municipal officers, in a majority of municipalities within a multiple community water
15 system district, vote to call an election. All such votes must be taken at least 90 days
16 before the general election. Each voting municipality shall certify within 5 days to all
17 other municipalities within the public water system district the results of its vote.

18 A multiple community water system district-wide election ~~shall~~ must take place in
19 each municipality within the district if, on the basis of the certificates, a majority of
20 municipal officers within a majority of the municipalities in the district have called
21 for an election.

22 B. A valid request for election ~~shall have been~~ is made when a number of registered
23 voters within a multiple community water district equal to at least 10% of the total
24 number of votes cast for Governor at the last gubernatorial election in all
25 municipalities, wholly or partially within the multiple community water district, file a
26 petition in accordance with section 2655.

27 C. A valid request for an election is made pursuant to a petition by 15% of the
28 customers of the public water system or 1,000 customers, whichever is less.

29 **Sec. 4. 22 MRSA §2655, sub-§1**, as enacted by PL 1987, c. 737, Pt. C, §65 and
30 Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is
31 further amended to read:

32 **1. Circulation.** Any time the issue of whether to fluoridate a public water supply is
33 submitted to the voters in multiple community water districts pursuant to petition as
34 authorized by section 2654, subsection 2, paragraph B, the petition or petitions ~~shall~~ must
35 be circulated and signed in the manner prescribed by Title 30-A, section 2503, subsection
36 3, paragraph B, subparagraphs (2) and (3), and ~~shall~~ must be dated and gathered within
37 the time frame prescribed by the Constitution of Maine, Article IV, Part Third, Section
38 18, Subsection 2.

39 **Sec. 5. 22 MRSA §2656**, as amended by PL 1987, c. 122, §§7 and 8, is further
40 amended to read:

1 **§2656. Elections**

2 **1. Multiple community water system district-wide elections.** In the case of public
3 systems serving more than one municipality, in whole or in part, elections ~~shall~~ requested
4 pursuant to section 2654, subsection 2, paragraph A or B must be held simultaneously in
5 all municipalities served by the water system at the first general election following the
6 certification of a request for an election on the issue of whether or not to fluoridate the
7 water supply. Those eligible to vote ~~shall~~ must be ~~all~~ registered voters within affected
8 single-service municipalities and ~~all~~ registered voters within the affected public water
9 system zone of multiservice municipalities. The following provisions apply to all multiple
10 community water system district-wide elections.

11 A. Each municipality ~~shall be~~ is responsible for posting a warrant according to the
12 following requirements.

13 (1) ~~It shall~~ The warrant must specify the voting place and the time of opening
14 and closing of polls.

15 (2) ~~It shall~~ The warrant must specify that the purpose of the election is to
16 determine the following question: "Shall fluoride be added to the public water
17 supply for the intended purpose of reducing tooth decay?"

18 (3) ~~It shall~~ The warrant must specify that a public hearing will be held by the
19 municipal officers of each municipality at least 10 days before the election date.

20 (4) ~~It shall~~ The warrant must be signed by a majority of the municipal officers of
21 the municipality and directed personally to a constable or any resident ordering
22 ~~him~~ the constable or resident to announce the election.

23 (5) The person to whom the warrant is directed shall post an attested copy of it in
24 a conspicuous public place in each voting district of the municipality at least 7
25 days immediately before the date of the public hearing. ~~He~~ That person shall
26 make a return on the warrant stating the manner of announcement and the time it
27 was given and return the warrant to the municipal officers.

28 (6) The municipal officers shall then deliver the warrant to the clerk who shall
29 record it.

30 B. Elections ~~shall~~ must be held by secret preprinted ballots.

31 C. Each municipality shall provide for absentee ballots in a manner ~~which~~ that
32 substantially complies with Title 21-A, chapter 9, subchapter ~~IV~~ 4.

33 **1-A. Elections in single community water districts.** Elections in single community
34 water districts ~~shall~~ requested pursuant to section 2654, subsection 1, paragraph A or B
35 must be conducted in the same manner as other municipal elections.

36 **1-B. Elections by customers of a public water system.** Elections by customers of a
37 public water system requested pursuant to section 2654, subsection 1, paragraph C or by
38 section 2654, subsection 2, paragraph C must be conducted by the public water system
39 according to procedures adopted by the public water system. The treasurer of the public
40 water system shall notify its customers of the results of the election.

