

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND TWELVE

H.P. 1354 - L.D. 1834

An Act To Amend the Boothbay Region Water District Charter

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

Whereas, the Town of Southport is critically deficient in existing infrastructure for fire protection; and

Whereas, the existing groundwater drawn upon by the population of the Town of Southport through wells is contaminated with many inorganic and organic compounds; and

Whereas, the population of the Town of Southport must have year-round access to clean and safe drinking water as soon as possible; 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:

PART A

Sec. A-1. P&SL 2001, c. 15, §1 is amended to read:

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B and subject to section 8 of this Act, the territory and the inhabitants of the Town of Boothbay ~~and~~ the Town of Boothbay Harbor and the Town of Southport constitute a standard water district under the name "Boothbay Region Water District," referred to in this Act as the "district."

Sec. A-2. P&SL 2001, c. 15, §2 is amended to read:

Sec. 2. Powers; authority; duties. Except as otherwise expressly provided in this Act, the district has all the powers and authority and is subject to all the requirements

and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64. ~~The district is authorized to provide water to the Town of Southport.~~

Sec. A-3. P&SL 2001, c. 15, §5, first ¶ is amended to read:

Sec. 5. Trustees; how elected; first board; meeting; officers. All of the affairs of the district must be managed by a board of trustees composed of ~~5~~ 7 members: two residents of the Town of Boothbay Harbor, 2 residents of the Town of Boothbay, 2 residents of the Town of Southport and one at-large member chosen from the 3 towns.

Sec. A-4. P&SL 2001, c. 15, §5, sub-§4 is amended to read:

4. Vacancy. Whenever the term of office of a trustee from the Town of Boothbay Harbor expires, the trustee's successor must be elected from the Town of Boothbay Harbor by the inhabitants of the district, except that, after the first year, the successor of the trustee from the Town of Boothbay Harbor that served a term of one year must be elected at large by the inhabitants of the district at town meetings to be held in the Town of Boothbay Harbor ~~and~~, the Town of Boothbay and the Town of Southport. Whenever the term of office of a trustee from the Town of Boothbay expires, the trustee's successor must be elected from the Town of Boothbay by the inhabitants of the district. Whenever the term of office of a trustee from the Town of Southport expires, the trustee's successor must be elected from the Town of Southport by the inhabitants of the district by secret ballot. Trustees are elected at the annual town meetings from the town that the trustees represent. The trustee so elected shall serve the full term of 3 years. If any vacancy arises in the membership of the board of trustees, it must be filled in like manner for the unexpired term by a special election to be called by the trustees of the district. When any trustee ceases to be a resident of the district, the trustee shall vacate the office of trustee and the vacancy must be filled as provided in this subsection. All trustees are eligible for reelection, but a person who is a municipal officer in the Town of Boothbay Harbor ~~or~~, the Town of Boothbay or the Town of Southport is not eligible for nomination or election as trustee.

Sec. A-5. P&SL 2001, c. 15, §5-A is enacted to read:

Sec. 5-A. Southport trustees; first appointment. The municipal officers of the Town of Southport at a regular meeting or special meeting shall appoint 2 trustees to serve on the board of trustees of the Boothbay Region Water District from the Town of Southport, both of whom must be residents of the Town of Southport. Of these initial trustees, one trustee shall serve for a term of one year and one for a term of 2 years. The municipal officers shall determine the term of office of each trustee. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 3 or any other provision of law, a municipal officer may initially be appointed to serve as a trustee under this section. Vacancies must be filled pursuant to section 5, subsection 4.

Sec. A-6. P&SL 2001, c. 15, §7-A is enacted to read:

Sec. 7-A. Transfer of assets of the Southport water system. The district, through its trustees, shall acquire, in accordance with this section, all of the assets of the Southport water system.

The sale and transfer by the Town of Southport to the district of its plants, properties, assets, franchises, rights and privileges, the assumption by the district of all the outstanding debts, obligations and liabilities of the Southport water system pursuant to this section and the subsequent use of the plants, properties, assets, franchises, rights and privileges by the district within the limits of the district are subject to the approval of the Public Utilities Commission as may be required by the Maine Revised Statutes, Title 35-A, Part 1.

Sec. A-7. Emergency clause; referenda; effective date. In view of the emergency cited in the preamble, this Part takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of Boothbay, the Town of Boothbay Harbor and the Town of Southport at each town's annual election or a special election called for that purpose within 2 years after the effective date of this Act. The election must be called by the municipal officers of the respective towns and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of the proposed district as described in this Part. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the election. The subject matter of this Part is reduced to the following question:

"Do you favor allowing the Boothbay Region Water District to provide water to the Town of Southport and to acquire the assets of the Southport water system?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Boothbay Harbor, the Town of Boothbay and the Town of Southport and due certificate of the results filed by the clerks with the Secretary of State.

This Part takes effect for all purposes immediately upon its approval by a majority of the legal voters of each town voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years of the effective date of this Act.

PART B

Sec. B-1. P&SL 2001, c. 15, §5, sub-§4-A is enacted to read:

Sec. 4-A. Municipal officers; trustees. Notwithstanding section 5, subsection 4 and the Maine Revised Statutes, Title 35-A, section 6410, subsection 3, municipal officers of the towns within the district are eligible for nomination and election as trustees of the district.

Sec. B-2. Emergency clause; referenda; effective date. In view of the emergency cited in the preamble, this Part takes effect when approved only for the purpose of permitting its submission to the legal voters within the territory of the district.

This Part may be submitted to the legal voters within the Town of Boothbay, the Town of Boothbay Harbor and the Town of Southport, only if Part A of this Act takes effect pursuant to the referendum in that Part, at each town's annual election or a special election called for that purpose within 2 years after the effective date of this Act. The election must be called by the municipal officers of the respective towns and must be held at the regular voting places. The election must be called, advertised and conducted according to the law relating to municipal elections. The registrars shall make a complete list of all the eligible voters of the district. The list prepared by the registrars governs the eligibility of a voter. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the election. The subject matter of this Part is reduced to the following question:

"Do you favor allowing municipal officers of the towns of the Boothbay Region Water District to be eligible for nomination and election as trustees of the Boothbay Region Water District?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Boothbay Harbor, the Town of Boothbay and the Town of Southport and due certificate of the results filed by the clerks with the Secretary of State.

This Part takes effect for all purposes immediately upon its approval by a majority of the legal voters of each town voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section as long as the referenda are held within 2 years of the effective date of this Act.

In House of Representatives, 2012

Read twice and passed to be enacted.

..... Speaker

In Senate, 2012

Read twice and passed to be enacted.

..... President

Approved 2012

..... Governor