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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1255, L.D. 1703, Bill, “An Act To Create the New Gloucester Water District”

Amend the bill in the emergency preamble by inserting after the 2nd indented paragraph the following:

Whereas, in order to secure necessary funding to address the contamination of water in New Gloucester's Upper Village, the Town of New Gloucester has had to schedule in January of 2012 a vote on the creation of a water district, which could occur before this legislation is approved, and this legislation must take effect as close to the vote as possible to effectuate the formation of the water district; and'

Amend the bill in section 2 in the 3rd to 5th lines (page 2, lines 3 to 5 in L.D.) by striking out the following: "and is authorized to perform all acts and to do all things necessary or convenient to carry out the purposes and powers provided in this Act or reasonably implied from those purposes and powers"

Amend the bill by striking out all of section 3 (page 2, lines 6 to 14 in L.D.)

Amend the bill in section 4 in the 2nd line (page 2, line 16 in L.D.) by striking out the following: "A" and inserting the following: 'Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, a'

Amend the bill in section 5 in the 2nd line (page 2, line 19 in L.D.) by inserting after the following: "Act." the following: 'Trustees of the first board must be appointed within 45 days of the effective date of this Act.'

Amend the bill in section 6 in the 2nd line (page 2, line 22 in L.D.) by inserting after the following: "terms" the following: 'in accordance with the Maine Revised Statutes, Title 35-A, section 6410'

Amend the bill in section 7 by striking out all of the first paragraph (page 2, lines 23 to 35 in L.D.) and inserting the following:

Sec. 7. Emergency clause; referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters

COMMITTEE AMENDMENT

1 within the territory described in section 1 of this Act at an election called and held for that
2 purpose, except that this Act takes effect for all purposes immediately upon its approval if
3 a majority of the legal voters within the territory described in section 1 of this Act voting
4 at a referendum held after January 9, 2012 and prior to approval of this Act vote in favor
5 of the question specified in this section. Even if the municipality has not accepted the
6 secret ballot voting, the election must be called, advertised and conducted according to
7 the law relating to municipal elections, including the Maine Revised Statutes, Title 30-A,
8 section 2528. For the purposes of registration of voters, the registrar of voters must be in
9 session the secular day preceding the election. The subject matter of this Act is reduced to
10 the following question:'

11 Amend the bill in section 7 by striking out all of the last indented paragraph (page 3,
12 lines 1 to 4 in L.D.) and inserting the following:

13 'If a referendum is not held after January 9, 2012 and before approval of this Act or a
14 referendum is held between those dates but a majority of the legal voters within the
15 territory described in section 1 of this Act do not vote in favor of the question specified in
16 this section, this Act takes effect for all purposes immediately upon its approval by a
17 majority of the legal voters voting at an election held at a later date. Failure to achieve the
18 necessary approval in any referendum does not prohibit subsequent referenda consistent
19 with this section.'

20 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
21 section number to read consecutively.

22 **SUMMARY**

23 This amendment strikes redundant language from the bill. It adds a time frame
24 according to which the trustees of the water district must be appointed and strikes the
25 exception that the registrar of voters is not required to prepare or the clerk to post a new
26 list of voters. Because of the limited time frame to secure funding to address water
27 contamination in the New Gloucester Upper Village, the referendum for the legal voters
28 to approve the creation of the New Gloucester Water District has been scheduled at a
29 time that may occur before legislative approval of the bill as amended. Because of the
30 unique and extraordinary circumstances giving rise to the bill, the bill and this
31 amendment allow for that referendum to be held before legislative approval. If the
32 referendum is held prior to legislative approval and the majority of legal voters approve
33 creation of the water district, the bill as amended will take effect immediately upon the
34 Governor's signature. If the referendum occurs after legislative approval, the bill as
35 amended will take effect if approved by the majority of legal voters voting in the
36 referendum.