

**LD 1877, An Act To Revise the Charter of the Kittery Water District**  
**Amendment Presented by Rep. Rykerson, Sponsor**  
**January 28, 2020**

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

**Sec. 1.** P&SL 1907, c. 424, § 1, as amended by P&SL 1948, c. 14, is further amended to read as follows:

**Sec. 1.** The following described territory, and the people within the same, ~~namely: so much of the town of Kittery in the county of York, beginning: At a point on Chauncey's creek directly south to the base of Tenney's hill, so called, and extending northerly to the tracks of the York Harbor and Beach Railroad; thence westerly by said railroad tracks to the west bank of Spruce creek; thence northerly by said Spruce creek to the post road; thence westerly by the post road to James' corner; thence southerly and easterly by Spinney's creek, the Piscataqua river, Pepperell cove and Chauncey's creek to the point of beginning, the town of Kittery, the town of Eliot, and the following portions of the town of York:~~ from the district's present water main, over Cider Hill, so called, to Great Bridge, so called, and over Beech Ridge, so called, which territory shall constitute a body politic and corporate under the name of the Kittery Water District, for the purpose of supplying the inhabitants of the said district, with pure water for domestic, commercial, industrial and governmental purposes.

~~The Kittery Water District is hereby authorized and empowered to extend its business into the town of Eliot for the purpose of supplying the said town of Eliot and the inhabitants thereof with water for domestic, commercial, industrial and governmental purposes.~~

~~The Kittery Water District is hereby authorized and empowered to extend its business into the town of York, from its present water main, over Cider Hill, so called, to Great Bridge, so called, and over Beech Ridge, so called, for the purpose of supplying the said town of York, within this territory and the inhabitants thereof, with water for domestic, commercial, industrial and governmental purposes.~~

**Sec. 2** P&SL 1907, c. 424, § 5, as amended by P&SL 2017, c. 1, is further amended to read as follows:

**Sec. 5** All the affairs of said water district shall be managed by a board of trustees composed of three members, to be chosen by ballot by the legal voters within said water district, the first election to be at the meeting of the legal voters of the said corporation to be called to accept this act, one to serve until the annual meeting to be held in nineteen hundred and eight, one to serve until the annual meeting to be held in nineteen hundred and nine, and one to serve until the annual meeting in nineteen hundred and ten. Whenever the term of office of a trustee shall expire, the legal voters of the ~~said water district shall elect a successor by ballot to serve for a full term of three years, and if any other vacancy occurs it may be filled in like manner for the unexpired term.~~ until their successor is duly elected, after the clerk of the district, or the clerk's designee, has counted the returns and the board of trustees has declared the result of the election. A vacancy is filled in the same manner for the unexpired term by a special election called by the trustees, unless the vacancy arises within 90 days of the expiration of such trustee term, in which case the vacancy may be filled at the regular election for such trustee term. If

there is a tie vote, the district shall conduct a run-off election between the candidates tied for the office in question. The election of trustees shall follow the laws relating to municipal elections. Absentee ballots shall be furnished and cast in the election of trustees consistent with the laws for absentee voting in municipal elections. The legal voters of the district are those individuals who reside within the district in premises that receive water service from the district. A trustee must be a legal voter of the district. The trustees shall appoint a registrar of voters who is responsible for making and keeping a complete list of legal voters of the district who have registered to vote in district elections. The election of trustees shall be held in the month of September, October, or November, as determined by the trustees, at one or more public places within the district that are accessible to legal voters within the district. In the case of legal voters who reside within the district in the town of York, the election may be held at any accessible public place within the municipality.

As soon as convenient after the annual election of a trustee~~board of trustees has been chosen~~, the board of trustees shall hold a an organizational meeting at such time as determined by the board of trustees at the office of the water district in the town of Kittery and organize by election of a chairman and clerk, and adopt a corporate seal and when necessary may choose a treasurer and other needful officers and agents for proper management of the affairs of the water district. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services an allowance for fifty dollars per year or such other less sum as the said water district at any legal meeting may prescribe, except as otherwise provided by law. The said water district at any legal meeting thereof, called for the purpose, may adopt such by-laws and provisions, not inconsistent with the laws and constitution of this state and the United States, as they may deem expedient and necessary for the better government and regulation of the municipal affairs within said water district, in which case such by-laws and provisions so adopted, shall extend to said water district as fully, to all intents and purposes, as the other provisions of this act, subject only to alterations or additions by a two-thirds vote, at a legal meeting of the water district called for the purpose.

**Sec. 3. P&SL 1907, c. 424, § 16 is enacted to read:**

**Sec. 16.** The property of the district is subject to local property taxes in accordance with title 36, section 651; provided, however, that property of the district located in the towns of York and Eliot is subject to local property taxation, except in the case of pipes, fixtures, hydrants, conduits, gatehouses, pumping stations, and reservoirs and dams used only for reservoir purposes.

## SUMMARY

This bill amends the charter of the Kittery Water District. First, the bill expands the corporate limits of the district to be coterminous with the service territory of the district. Second, the bill specifies that trustee elections shall be held in September, October, or November. Third, the bill provides that trustee elections may take place at one or more accessible locations within the district, and with respect to legal voters who reside in York within the district, any accessible location within the municipality. Fourth, the bill modifies the legal voters of the district to mean residents of the district whose residences receive water service from the district, and the bill provides that trustees must be legal voters. Fifth, the bill provides that elections shall be held by ballot, without the necessity of a meeting, in accordance with the laws governing municipal elections, and the bill allows for the provision of

absentee ballots in the election of trustees. Sixth, the bill clarifies the nature of the organizational meeting of trustees following the annual election of a trustee. Finally, the bill provides that property of the district in the town of Kittery will be exempt from local property taxes, and property of the district in the towns of York and Eliot will be subject to local taxes in the same manner as property located outside the corporate limits of the district, as is currently the case.