

TESTIMONY OF ERIC GAGNON
before the
JOINT STANDING COMMITTEE ON ENERGY, UTILITIES, AND TECHNOLOGY
Regarding LD 1747, "An Act to Repeal and Replace the
Charter of the Yarmouth Water District."
April 29, 2025

Senate Chair Lawrence, House Chair Sachs and Members of the Joint Standing Committee on Energy, Utilities and Technology, my name is Eric Gagnon, and I am the General Manager of the Yarmouth Water District. I am speaking in favor of LD 1747.

Yarmouth Water District's Charter is a private and special law that was enacted in 1923 and has been amended six times since then. This means someone has to look at seven private and special laws, together with the water utility and standard water district provisions of general State law, to know what the District Charter is and what it requires. It would be extremely helpful to have the Charter all in one private and special law instead of spread among so many statutes.

Also, the current Charter is outmoded in two ways.

One is fairly general -- much of its basic language dates back to 1923, 1949, and 1957. Terminology and technology have changed, and the Charter needs to be updated to today's language and usage. A water utility not only builds, installs, and operates pipes, reservoirs, aqueducts, and pumps, but also treatment plants, conduit, cables, wires, equipment, and controls necessary for computers and modern operation of water systems. The current Charter also does not recognize more recent changes in law, such as the Freedom of Access Act.

The other is more specific. The current Charter provision for trustee election sets out a district meeting called by any five persons who are entitled to vote at that meeting, like at a town meeting. However, no such district meeting has been held in decades. Instead, trustees are elected at Yarmouth and North Yarmouth municipal elections by secret ballot, with nomination papers, just as is provided for in the standard water district enabling act and as occurs in most other water districts in this State. The Charter should reflect the current reality and not an obsolete and discontinued process.

In addition, this bill not only continues the current authority of the District, but also incorporates the full range of authority that would be available if the District were established today under the standard water district enabling act. It also recognizes that day-to-day administration of the District's affairs is conducted by a general manager.

In short, this bill brings the District Charter up to date and into compliance with its standard practices and processes and with current law.

For these reasons, the Yarmouth Water District respectfully asks this Committee to vote that LD 1747 "Ought to Pass."