

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND SPECIAL SESSION-2004

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Legislative Document

No. 1860

H.P. 1386

House of Representatives, February 19, 2004

### An Act To Amend the Charter of the Mount Desert Water District

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative KOFFMAN of Bar Harbor.  
Cosponsored by Senator DAMON of Hancock and  
Representatives: BLISS of South Portland, DUPLESSIE of Westbrook, Senator: HALL of  
Lincoln.

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

4           **Whereas,** the election of trustees of the Mount Desert Water  
6 District will occur before the end of the current legislative  
session; and

8           **Whereas,** the charter restrictions on the eligibility of  
10 trustees pose an immediate disturbance in the management of the  
district; and

12           **Whereas,** the water district must be managed consistently to  
14 provide for the health and safety of its customers; and

16           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
18 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
20 safety; now, therefore,

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

24           **Sec. 1. P&SL 1993, c. 83, §9, sub-§4** is amended to read:

26           **4. Vacancy.** Whenever the term of office of a trustee  
expires, the trustee's successor must be elected at large by a  
28 plurality vote by the inhabitants of the district. For the  
purpose of election, a special election must be called and held  
30 on the first Monday in May or on such other date in May as the  
trustees establish, the election to be called by the trustees of  
32 the district in the same manner as town meetings are called and  
for this purpose the trustees are vested with the powers of  
34 municipal officers of towns. The trustee so elected shall serve  
the full term of 3 years. If any vacancy arises in the  
36 membership of the board of trustees, it must be filled in like  
manner for the unexpired term by a special election to be called  
38 by the trustees of the district. When any trustee ceases to be a  
resident of the district, the trustee shall vacate the office of  
40 trustee and the vacancy must be filled as provided in this  
section. All trustees are eligible for reelection, but a ~~person~~  
42 ~~who is a municipal officer in the Town of Mount Desert is not~~  
~~eligible for nomination or election as trustee~~ no more than 2  
44 trustees may be municipal officers of the Town of Mount Desert.

46           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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## SUMMARY

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This bill amends the charter of the Mount Desert Water District. A municipal officer in the Town of Mount Desert is not eligible to be a trustee under the charter. The bill allows no more than 2 municipal officers to be trustees.