

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

New draft of H. P. 810, L. D. 969  
FIRST REGULAR SESSION

---

---

ONE HUNDRED AND TENTH LEGISLATURE

---

---

**Legislative Document**

**No. 1665**

---

---

H. P. 1549

House of Representatives, May 27, 1981

Reported by Representative Kany from the Committee on Public Utilities.  
Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

---

**AN ACT to Amend the Charter of the Bethel Water District.**

---

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

Sec. 1. P&SL 1967, c. 48, § 9, first ¶ is repealed and the following enacted in its place:

All affairs of the district shall be managed by a board of trustees composed of 5 members, elected by the voters of the Town of Bethel. The terms of the present trustees shall be extended from the regular December 31st expiration date until the next successive March election to provide for continuity. At the same time as elections are held for selectmen in the Town of Bethel in 1982, the voters shall elect 3 members to the water district board of trustees, one for a one-year term, one for a 2-year term and one for a 3-year term. Thereafter, trustees shall be elected for a full 3-year term, except for the election of a trustee to fill an interim vacancy, in which case the election shall be for the remainder of the term. The board of selectmen may appoint an acting trustee to fill an interim vacancy until the next March election. Trustees shall be nominated and elected in the same manner as the selectmen are nominated and elected. Trustees shall be residents of the Town of Bethel and any trustee who ceases to be a resident of the Town of Bethel vacates the office of trustee.

As soon as convenient after the annual election, the trustees shall hold a meeting and organize by the election of a president, clerk and treasurer, and,

when necessary, other officers and agents. The treasurer shall be bonded in such sum and with such sureties as the trustees may approve.

The trustees shall operate as policymakers for the water district and make such bylaws as are necessary for their own convenience and for the proper management of the affairs of the district. They shall hire a professionally qualified person to manage and to carry out the daily operations of the water district.

Sec. 2. P&SL 1967, c. 48, § 9, 2nd ¶, is repealed and the following enacted in its place:

Trustees shall be compensated in an amount set at the annual town meeting.

1. Recall of trustees. The voters of the district may petition for the recall of any trustee, after the first year of his term, by filing with the municipal clerk a petition signed by a number of voters equal to at least 20% of the votes cast for the office of Governor at the last gubernatorial election. Recall may be for misfeasance, malfeasance or nonfeasance in office. The recall petition shall state this reason for which recall is sought.

Immediately upon finding a petition sufficient, the municipal clerk shall inform the board of selectmen. In order to fill the unexpired term, they shall call a special meeting of the board of selectmen or, in the case of elected trustees, a special election, to be held not less than 40 days nor more than 45 days from that date, and notify the trustee, against whom the recall petition is filed, of the meeting or election. That trustee shall be a candidate for reappointment or reelection unless he resigns within 10 days after the date that the petition is found sufficient. The new appointment or election shall be conducted in accordance with the usual procedures under this Act, the charter of the Town of Bethel and the laws governing municipalities.

The trustee against whom a recall petition has been filed shall continue to serve until reappointed, reelected or replaced. No further recall petition may be filed against the same trustee during the same term.

2. Superintendent; appointment and compensation. All daily operations of the district may be managed by a full-time superintendent who holds qualifications commensurate with the requirements of the Public Utilities Commission and the Department of Human Services.

The superintendent shall be appointed by the trustees and shall serve at their pleasure, and shall be compensated at a rate they shall set annually.

Sec. 3. Referendum; effective date. Section 2 of this Act shall take effect 90 days after adjournment of the First Regular Session of the 110th Legislature. Section 1 of this Act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the district at the statewide special election in November, 1981. The referendum shall be advertised and conducted according to the law relating to municipal elections.

The town clerk shall reduce the subject matter of this Act to the following question:

“Shall the charter of the Bethel Water District be amended to increase the number of trustees and to provide for election of the trustees as summarized below?”

The ballot shall also include a summary of the Act, as follows:

The proposed amendment:

- (1) Increases the number of trustees from 3 to 5; and
- (2) changes from appointed to elected trustees.

The voters shall indicate by a cross or check mark placed against the word “Yes” or “No” their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of the district voting at such elections, but only if the total number of votes cast for and against the acceptance of this Act in the special election equals or exceeds 20% of the total vote for all candidates for Governor in the town at the next previous gubernatorial election; but failure of approval by the necessary majority or percentage of voters shall not prevent subsequent elections.

The results of the election shall be declared by the municipal officers of the town and due certification thereof shall be filed by the town clerk with the Secretary of State.

#### STATEMENT OF FACT

This new draft changes the charter of the Bethel Water District by authorizing the town meeting, rather than the municipal officers, to set the trustees compensation; by adding a provision for recall of trustees; and by adding specific authorization in the charter for the present full-time superintendent. The new draft also provides for a referendum on the question of changing from appointed to elected trustees, and increasing their number from 3 to 5.