

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 683

6
7 H.P. 530

House of Representatives, February 10, 1983

8 Referred to the Committee on Agriculture, sent up for concurrence and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Lisnik of Presque Isle.

Cosponsors: Senator Erwin of Oxford, Representative Sherburne of
11 Dexter and Representative McCollister of Canton.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Soil and Water
18 Conservation Districts' Law.
19

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

22 Sec. 1. 12 MRSA §3, sub-§4 is amended to read:

23 4. Land occupier. "Land occupier" or "occupier
24 of land" includes any person, firm or corporation who
25 shall hold title to, or shall be in possession of,
26 any lands ~~except land suitable for and used as~~
27 ~~timberland~~ lying within a district organized under
28 this chapter, whether as owner, lessee, renter,
29 tenant or otherwise.

30 Sec. 2. 12 MRSA §51, 3rd ¶, as repealed and
31 replaced by PL 1975, c. 172, is amended to read:

1 The area representatives first elected from Areas
2 1 and 4, shall be initially elected for a 1-year
3 term; those from Areas 2 and 5 shall be initially
4 elected for a 2-year term; those from Areas 3 and 6
5 shall be initially elected for a 3-year term. All
6 subsequent elections shall be for a 3-year term.
7 Area representatives may serve beyond their elected
8 terms until their successors are elected and quali-
9 fied.

10 Sec. 3. 12 MRSA §53, as amended by PL 1969, c.
11 477, §1, is further amended to read:

12 § 53. Officers; terms; quorum; compensation; records

13 The commission shall elect one of its members to
14 be chairman and may, from time to time, change such
15 designation. An ex officio member of the commission
16 shall hold office so long as he shall hold the office
17 by virtue of which he is serving on the commission.
18 ~~The elected members of the commission shall serve for~~
19 ~~a term of 4 years from the date of their election and~~
20 ~~until their successors have been elected and quali-~~
21 ~~fied; except that of those first elected; the repre-~~
22 ~~sentatives from areas one, 2, 3 and 4 shall serve for~~
23 ~~terms of one, 2, 3 and 4 years, respectively.~~ Upon
24 the expiration of the term of office of, or in the
25 case of a vacancy in, the office of an elected
26 member, his successor shall be elected in the same
27 manner, and from the same area, as the retiring
28 member was elected. A majority of the commission
29 shall constitute a quorum, and the concurrence of a
30 majority of the said quorum in any matter within
31 their duties shall be required for its determination.
32 The chairman and members of the commission shall
33 receive no compensation for their services on the
34 commission, but shall be entitled to expenses,
35 including traveling expenses, necessarily incurred in
36 the discharge of their duties on the commission, if
37 and when funds are available. The commission shall
38 provide for the keeping of an accurate record of all
39 proceedings and of all resolutions, regulations and
40 orders issued or adopted.

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STATEMENT OF FACT

2 Section 1 eliminates the restriction in existing
3 law which prohibits the state's 16 soil and water
4 conservation districts from providing services to
5 owners of "land suitable for and used as timberland."
6 Sections 2 and 3 resolve a contradiction between
7 Title 12, sections 51 and 53 as to whether the
8 elected members of the Soil and Water Conservation
9 Commission should serve 3-year or 4-year terms once
10 the staggered-term system for initial commission
11 membership has gone into effect and also insures that
12 no gap in commission membership can occur between the
13 expiration of a commissioner's term and the election
14 and qualification of his successor. This bill re-
15 quires no additional funding.

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