

MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2136

7
8 H.P. 1614

House of Representatives, February 27, 1984

9 Approved for introduction by the Legislative Council pursuant to Joint
10 Rule 26.

11 Referred to the Committee on Public Utilities. Ordered printed and sent
up for concurrence.

EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Amend the Charter of the
19 Passamaquoddy Water District.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, the first annual meeting of the
25 newly-formed Passamaquoddy Water District will be in
26 April 1984; and

27 Whereas, some aspects of the district charter re-
28 quire clarification; and

29 Whereas, the district serves an essential pur-
30 pose, namely, providing an adequate supply of pure
31 water; and

32 Whereas, in the judgment of the Legislature,
33 these facts create an emergency within the meaning of

1 the Constitution of Maine and require the following
2 legislation as immediately necessary for the preservation of the public peace, health and safety; now,
3 therefore,
4

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

7 P&SL 1983, c. 25, §§8, 9 and 10 are amended to
8 read:

9 Sec. 8. Initial appointed trustees. Following
10 acceptance of this Act, the Pleasant Point
11 Passamaquoddy Reservation Tribal Council, with the
12 advice and consent of the Governor of the Pleasant
13 Point Passamaquoddy Reservation Tribal Council shall
14 appoint a board of trustees comprised of 3 members,
15 each a resident of the district. The sole function of
16 these trustees shall be to set the necessary machinery
17 in motion and assist in the election of the board
18 of trustees, as set forth in section 9.

19 Sec. 9. Board of trustees; election; vacancy.
20 All the affairs of the district shall be managed by a
21 board of trustees comprised of 5 members of which 3
22 members, each a resident of the district, shall be
23 elected by Australian ballot at a special district
24 meeting, as soon as possible, following the acceptance
25 of this Act. Additionally, one trustee shall be
26 elected from the City of Eastport and one trustee
27 shall be elected from the Town of Perry, following
28 the procedures for municipal elections; ~~except that,~~
29 ~~in the event no one volunteers to run for.~~ In the
30 event no one is elected to the office of trustee in
31 either of these municipalities, the municipal officers
32 shall appoint a trustee to serve for a normal
33 term. In the event no one is elected to any position
34 as trustee as a resident of the district, the Pleasant
35 Point Passamaquoddy Reservation Tribal Council,
36 with the advice and consent of the Governor of the
37 Pleasant Point Passamaquoddy Reservation, shall appoint
38 a trustee or trustees to serve for a normal
39 term.

40 The terms of the members of the board shall be as
41 follows. One elected member and one appointed member

1 shall serve for one year from date of the first elec-
2 tion following acceptance of this Act; 2 members, one
3 elected and one appointed shall serve for 2 years
4 from the date of the first election following the ac-
5 ceptance; the 3rd elected member shall serve for 3
6 years from the date of the first election following
7 the acceptance. Following the expiration of each of
8 the terms of the first elected and appointed trustees
9 of the district, their successors shall be elected or
10 appointed for 3-year terms. All trustees shall serve
11 until their successors are elected, appointed and
12 qualified. Trustees shall be eligible for reelection
13 and reappointment.

14 The terms of the trustees shall be 3 years, ex-
15 piring on the Sunday before the first Monday in
16 April, except that the terms of the initial trustees
17 shall expire one year, 2 years or 3 years from the
18 first Monday in April following their election or ap-
19 pointment. At the first meeting of the full board of
20 trustees, the terms of the initial trustees shall be
21 selected by lot: From the district, one for a one-
22 year term; one for a 2-year term; and one for a
23 3-year term; and, from Perry and Eastport, one for a
24 one-year term and one for a 2-year term. All trust-
25 ees shall serve until their successors are elected,
26 appointed and qualified. Trustees shall be eligible
27 for reelection and reappointment. At each annual
28 meeting, the board shall prepare a list of the trust-
29 ees with the expiration date of their terms and a re-
30 quest to hold elections within the year to fill any
31 expiring terms and send the list by certified or reg-
32 istered mail to the Pleasant Point Reservation of the
33 Passamaquoddy Tribe, the City of Eastport and the
34 Town of Perry.

35 When any trustee ceases to be a resident in the
36 district or in the municipality he represents, he va-
37 cates the office of trustee. Vacancies in the office
38 of elected trustees shall be filled by special
39 district election, except that a vacancy occurring
40 within 6 months one year of the expiration of an
41 elected a trustee's term of office may be filled by
42 appointment of a successor residing in the district
43 to serve the unexpired portion of the term in which
44 the vacancy occurred. Vacancies in elected trustees
45 shall be filled by the same procedure as specified in

1 ~~section 8-~~ Appointments ~~in~~ to the office of
2 ~~appointed trustee,~~ where a vacancy occurs, shall be
3 made by the respective municipal officers or, for the
4 Tribe, using the procedure of section 8.

5 Within one week after the original ~~election and~~
6 ~~elections or~~ appointments and thereafter ~~within one~~
7 ~~week after each annual election~~ at the annual meeting
8 of the district, the trustees shall meet for the pur-
9 pose of electing a chairman, treasurer and clerk from
10 among them to serve for the ensuing year, and until
11 their successors are elected and qualified. The
12 trustees, from time to time, may choose and employ
13 and fix the compensation of any other necessary offi-
14 cers and agents who shall serve at their pleasure.
15 The treasurer shall furnish bond in the sum and ~~which~~
16 ~~surety is with such sureties as~~ approved by the
17 trustees. The cost of the bond shall be paid by the
18 district. At its original meeting the trustees
19 shall, in addition to the foregoing, adopt a corpo-
20 rate seal, and elect a treasurer who may or may not
21 be a trustee. The trustees may adopt and establish
22 bylaws consistent with the laws of this State neces-
23 sary for their own convenience and the proper manage-
24 ment of the affairs of the district and perform any
25 other acts within the powers delegated to them by
26 law.

27 The trustees shall be sworn to the faithful per-
28 formance of their duties, which shall include the du-
29 ties of any member who serves as clerk or as clerk
30 pro tem. The trustees shall make and publish an an-
31 nual report, including therein a report of the trea-
32 surer. The trustees, ~~including the initial appointed~~
33 ~~trustees,~~ shall have the same powers and perform the
34 same duties as otherwise exercised and performed by
35 the selectmen or towns for the calling and holding of
36 district elections and district meetings, and for the
37 correction and preparation of lists of persons quali-
38 fied to vote in the district. All meetings of the
39 district shall be presided over by the chairman of
40 the board of trustees, who shall have the same au-
41 thority as moderators of town meetings. District
42 meetings shall be conducted in the same manner as
43 town meetings.

