

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 658

H.P. 478

House of Representatives, March 7, 1989

Reference to the Committee on Utilities suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

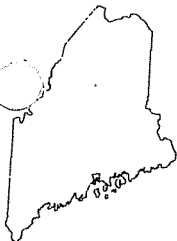
Presented by Representative CLARK of Millinocket.

Cosponsored by Representative HOLT of Bath, Representative PARADIS of Old Town and Senator BOST of Penobscot.

STATE OF MAINE

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

**An Act to Amend the Maine Sanitary District Enabling Act and the
Sewer District Laws.**



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

3 **Sec. 1. 38 MRSA §1105**, as amended by PL 1987, c. 737, Pt. G,
5 §§93 and 106, is repealed and the following enacted in its place:

7 **§1105. Election of trustees**

9 1. Election. Trustees shall be nominated and elected in
11 the same manner as municipal officers are nominated and elected
13 under Title 30-A, or in accordance with a municipal charter,
15 whichever is applicable; or, in the case of unorganized
17 territory, in accordance with the procedure for the organization
19 of larger townships set forth in Title 30-A, section 7001. Upon
21 receipt of the names of all the trustees, the Board of
23 Environmental Protection shall set a time, place and date for the
25 first meeting of the trustees, notice to be given to the trustees
27 by certified or registered mail, return receipt requested, mailed
29 at least 10 days prior to the date set for the meeting, to
31 determine the length of their terms. The terms shall be
33 determined by lot in accordance with the following table:

	<u>TERM</u>		
<u>Total number</u>	<u>1 year</u>	<u>2 years</u>	<u>3 years</u>
<u>of trustees</u>			
27 <u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>
29 <u>7</u>	<u>2</u>	<u>2</u>	<u>3</u>
<u>8</u>	<u>2</u>	<u>3</u>	<u>3</u>
31 <u>9</u>	<u>3</u>	<u>3</u>	<u>3</u>
<u>10</u>	<u>3</u>	<u>3</u>	<u>4</u>
33 <u>11</u>	<u>3</u>	<u>4</u>	<u>4</u>
<u>12</u>	<u>4</u>	<u>4</u>	<u>4</u>
35 <u>13</u>	<u>4</u>	<u>4</u>	<u>5</u>
<u>14</u>	<u>4</u>	<u>5</u>	<u>5</u>
37 <u>15</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>16</u>	<u>5</u>	<u>5</u>	<u>6</u>
39 <u>17</u>	<u>5</u>	<u>6</u>	<u>6</u>
<u>18</u>	<u>6</u>	<u>6</u>	<u>6</u>

41 The trustees shall enter on their records the determination so
43 made. The trustees shall serve their terms as determined at the
45 organizational meeting, except that in the case of trustees
47 representing a municipality, the trustees shall serve an
49 additional period until the next regular election of the
municipality, and the trustees' terms of office shall date from
the time of each regular municipal election; and in the case of
trustees representing residents of unorganized territory, the
trustees shall serve until an election to fill the vacancy caused

1 by the expiration of their terms is called by the county
2 commissioners; and the commissioners shall call the election in
3 the same manner as is provided for the initial election of
4 trustees and cause the same to be held on a date as closely
5 following the date upon which the terms expire.

7 At the expiration of the terms so determined the vacancy shall be
8 filled for a term of 3 years and the trustees shall notify the
9 municipal officers of the municipalities within the sanitary
10 district before the annual town meeting or before the regular
11 city election if a city falls within the sanitary district; or,
12 in the case of unorganized territory, the trustees shall notify
13 the commissioners of the county in which the unorganized
14 territory encompassed by the sanitary district is located of the
15 fact that a vacancy will occur so that the municipal officers in
16 these municipalities or the county commissioners may provide for
17 the election of a trustee or trustees to fill the vacancy that
18 will occur. All trustees shall serve until their successors are
19 elected and qualified.

21 2. Officers. The trustees shall organize by election from
22 their own members a chair, a vice-chair, a treasurer and a clerk
23 and choose and employ and fix the compensation of other necessary
24 officers and agents who shall serve at their pleasure, and they
25 shall adopt a corporate seal. Prior to the election of the
26 officers each trustee shall be sworn to the faithful performance
27 of the trustee's duties.

29 3. Bylaws. The trustees shall from time to time adopt,
30 establish and amend bylaws consistent with the laws of the State,
31 and necessary for their own convenience and the proper management
32 of the affairs of the district. Adoption of the bylaws and any
33 change in the bylaws must be discussed in at least one public
34 meeting of the trustees prior to the meeting at which they take
35 final action.

37 4. Annual meetings; officers. After the original
38 organizational meeting the trustees shall meet annually at a time
39 determined by their bylaws for the purpose of electing from among
40 the members a chair, vice-chair, treasurer and clerk to serve
41 until the next annual election and until their successors are
42 elected and qualified. The treasurer shall furnish bond in such
43 sum and with such sureties as the trustees shall approve, the
44 cost to be paid by the district. The chair, vice-chair,
45 treasurer and clerk may receive such compensation for serving in
46 these capacities as the trustees may determine. This
47 compensation shall be in addition to the compensation payable to
48 them as trustees. The trustees shall make and publish an annual
49 report including a report of the treasurer.

51 5. Trustees compensation. The trustees shall receive
compensation as recommended by them and approved by majority vote

1 of the municipal officers in municipalities representing a
3 majority of the population within the district, including
5 compensation for any duties they perform as officers as well as
7 for their duties as trustees. Certification shall be recorded
9 with the Secretary of State and recorded in the bylaws. Their
11 compensation for duties as trustees shall be on the basis of such
specific amount as may be specified in the bylaws, each meeting
actually attended and reimbursement for travel and expenses, with
the total not to exceed such specific amount as may be specified
in the bylaws. Compensation schedules in effect on January 1,
1982, shall continue in effect until changed.

13 6. Vacancy. When a vacancy on the board of trustees occurs
15 by reason of death, resignation or otherwise, the municipal
17 officers of the municipality which the trustee represented shall
19 fill the vacancy by electing a trustee from the municipality to
21 serve until the municipality fills the vacancy at its next annual
23 town meeting or next regular city election. In the case of a
25 vacancy in the office of a trustee representing unorganized
27 territory, the commissioners of the county in the unorganized
29 territory is located shall fill the vacancy by electing a trustee
31 from the unorganized territory and resident within the boundaries
of the sanitary district until the next election of trustees is
held. The person chosen shall serve until a successor is elected
and qualified. In case any member of the board of trustees moves
from the municipality which the member represents, or, in the
case of a trustee representing unorganized territory, in case the
trustee moves out of the boundaries of the sanitary district, a
vacancy shall be declared to exist by the board of trustees, and
the municipal officers or the county commissioners shall choose
another trustee as provided.

33 7. Conflict of interest. No member of the board of
35 trustees may be employed for compensation as an employee or in
37 any other capacity by the sanitary district of which the member
is a trustee, except as provided.

39 Sec. 2. 38 MRSA §1201, sub-§11 is enacted to read:

41 11. Debt limit. Any sanitary district may adopt or
43 maintain a limit on the total debt outstanding at one time. Any
45 district which has such a limit shall record the same in the
bylaws. Any change in the debt limit requires an affirmative
vote of the trustees and of the voters of the district.

47 Sec. 3. 38 MRSA §1252, sub-§§8 to 10 are enacted to read:

49 8. Bylaws. The trustees shall from time to time adopt,
51 establish and amend bylaws consistent with the laws of the State,
and necessary for their own convenience and the proper management
of the affairs of the district. Adoption of the bylaws and any

1 change in them must be discussed in at least one public meeting
2 of the trustees prior to the meeting at which they take final
3 action.

5 9. Conflict of interest. No member of the board of
6 trustees may be employed for compensation as an employee or in
7 any other capacity by the sanitary district of which that member
8 is a trustee, except as provided.

9
11 10. Debt limit. Any sewer district may adopt or maintain a
12 limit on the total debt outstanding at one time. Any district
13 which has such a limit shall record the same in the bylaws. Any
14 change in the debt limit requires an affirmative vote of the
15 trustees and of the voters of the district.

17 **STATEMENT OF FACT**

19 The purpose of this bill is to make changes in the sewer and
sanitary district laws to provide more effective local control.