

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 745, L.D. 1012, Bill, "An Act to Amend the Waldoboro Utility District Charter"

Amend the amendment by inserting after the mandate preamble the following:

'Further amend the bill by striking everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. P&SL 1963, c. 146, §14, as amended by P&SL 1991, c. 34, §2, is further amended to read:

**Sec. 14. Trustees and officers; tenure of office; election to office; organization; vacancies; compensation.** All of the affairs of said district are managed by a board of 3 trustees, who must be residents of the Town of Waldoboro and who are chosen as provided in this section.

The 3 trustees serving on October 1, 1993 serve to the completion of their current terms. A vacancy in any of these offices is filled for the balance of the term as provided in this section. Successors are elected to 3-year terms as provided in this section.

At the next annual meeting of the town after October 1, 1993, 2 additional trustees must be elected, the first to serve until the annual meeting of the town occurring 2 years after the election of those additional trustees and until the first trustee's successor is elected and qualified and the 2nd to serve until the annual meeting of the town occurring 3 years after the election of the 2nd trustee and until that trustee's successor is elected and qualified. Successors are elected to 3-year terms as provided in this section.

~~As soon as convenient after acceptance of this act, the municipal officers of the Town of Waldoboro shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual meeting of said town following the acceptance of this act; one to serve until the 2nd annual meeting of said town following said acceptance; and one to serve until the 3rd annual meeting of said town following such acceptance.~~ At each annual meeting of said town, beginning with the first annual meeting after acceptance of this act, one trustee is one or more trustees are elected by ballot as provided in this section ~~to serve until the annual meeting of said town occurring 3 years after the election of the trustee and until the trustee's successor is elected and qualified.~~ When any trustee ceases to be a resident of said district, the trustee vacates the trustee's office as trustee. All trustees, if residents of said district, are eligible for reelection or reappointment as provided in this section.

The nomination of all candidates for trustee to be elected as provided by this act must be by nomination papers signed in the aggregate for each candidate by not less than 25 nor more than 50 qualified voters resident in said district. Nomination papers must be made available by the municipal clerk to prospective candidates during the 40 days prior to the final date of filing and, before issuance, the town clerk may complete each sheet by filling in the name of the candidate, the title and term of office which that is being sought. Each voter who signs a nomination paper shall add the candidate's place of residence with the street and number, if any. The voter may subscribe only to as many nomination papers for each office as there are vacancies to be filled. All nomination papers must be filed with the clerk during business hours on or before the 35th day next prior to the day of election. With the nomination papers, there must be filed the consent in writing of the persons proposed as candidates, agreeing to accept the nomination if nominated, not to withdraw and, if elected at the municipal election, to qualify as the quasi-municipal officer. When filed, the nomination papers must be made available by the clerk to public inspection under supervision. The clerk shall keep them in the office for 6 months. In case any candidate who has been duly nominated under the provisions of this section dies before the day of election, or withdraws in writing, or the candidate moves from said district, the vacancy may be supplied in the manner provided for such nominations, except that the time limit for filing such nomination papers does not apply. The name so supplied for the vacancy, if the ballots have not been printed, is placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination, if practical, are furnished, or slips containing the new nomination are printed under the direction of the town clerk which are pasted upon said ballots and over the name of the candidate whose nomination has been vacated, and becomes part of said ballots as

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2 if originally printed on the ballot. The ballot in said district  
 4 must contain names of all candidates so nominated in such  
 6 district alphabetically arranged, printed in one column under the  
 8 heading "For Trustee of the Waldoboro Utility District." Above  
 10 such heading must be printed "Vote for \_\_\_\_\_ (the  
 12 number to be elected to be inserted). Make a cross or a check  
 14 mark to the right of the name(s) voted for." As many blank  
 16 spaces must be left after the names of the candidates as there  
 18 are trustees to be elected in which the voter may, by writing,  
 20 insert the name of any person or persons for whom the voter  
 22 desires to vote. In preparing the voter's ballot the voter shall  
 24 mark a cross (X) or a check mark ( ) against and to the right of  
 such names on said ballot as the voter desires to vote for, not  
 to exceed the number of trustees so to be elected in said  
 district. At each annual meeting of said Town of Waldoboro,  
 balloting for trustee of said district takes place concurrently  
 with balloting for the municipal officers of said town, but  
 separate ballots are provided for trustee of the district as  
 provided for in this section. The result of such election is  
 declared by the municipal officers of said Town of Waldoboro and  
 due certificate of the result filed with the town clerk and the  
 clerk of the district. The district shall reimburse the town for  
 the expense of any district election.

~~As seen as convenient after the appointment, the first board  
 of trustees shall hold a meeting at some convenient place in the  
 district, to be called by any member of the board in writing,  
 designating the time and place and delivered in and to the other  
 2 members not less than 2 full days before the meeting; if the  
 trustees agree to a time and place for the meeting, a notice is  
 not required. At this original meeting the trustees shall  
 organize by electing from their own members a chair, a treasurer  
 and a clerk and adopting a corporate seal. The trustees may  
 adopt and establish bylaws, consistent with the laws of the State  
 and necessary for their own convenience and for the proper  
 management of the affairs of the district, and perform any other  
 acts within the powers delegated to them by law.~~

Within one week after each annual election, the trustees  
 shall meet for the purpose of electing a chair, treasurer and  
 clerk to serve for the ensuing year and until their successors  
 are elected and qualified. The trustees from time to time may  
 choose and employ, and fix the compensation of, any other  
 necessary officers and agents who shall serve at their pleasure.  
 The treasurer shall furnish bond in such sum and with such  
 sureties as the trustees shall approve, the cost of the bond to  
 be paid by the district.

**SENATE AMENDMENT**

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 745,  
L.D. 1012

2 Members of the board of trustees are eligible to any office  
under the board. The trustees are entitled to receive as  
4 compensation for their services an amount to be determined by  
them not to exceed \$300 each per year, but if they fail to  
6 determine a salary they are entitled to receive \$10 each for each  
meeting of the board that they attend. The treasurer may be  
allowed such compensation as the trustees shall determine.

8  
10 The trustees are sworn to the faithful performance of their  
duties as such, which includes the duties of any member who  
12 serves as clerk or clerk pro tem. They shall make and publish an  
annual report, including a report of the treasurer, and such  
14 report may be included in, and published as part of the town  
report.

16 Vacancies in the office of trustee from whatever cause are  
filled by appointment by the remaining trustees until the next  
18 annual election. If at any annual election there exists a  
vacancy in an unexpired term, a trustee is elected to fill such  
20 vacancy for such unexpired term, and the voters of the district  
shall cast the ballots as prescribed in this section, voting for  
22 as many candidates as there are offices to be filled.

24  
26 **STATEMENT OF FACT**

28 This amendment replaces the bill. The bill erroneously  
amended the Waldoboro Water District Charter. This amendment  
30 amends the Waldoboro Utility District Charter, increasing the  
board of trustees from 3 to 5 members.

32  
34 (Senator VOSE)  
36 SPONSORED BY: Harry S. Vose

COUNTY: Washington

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(5/19/93) (Filing NO. S-164)