

# MAINE STATE LEGISLATURE

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DATE: 2/10/94

(Filing No. H- 731 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1257, L.D. 1684, Bill, "An Act to Amend the Charter of the Brewer Water District"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1.** P&SL 1945, c. 146, §§6 and 7 are amended to read:

**Sec. 6. Board of trustees.** All the affairs of said the district shall must be managed by a board of 3 5 trustees, residents therein of the district, who shall must be appointed by the city council of the city of Brewer. They shall hold office for the term of 3 years and until their respective successors are appointed and qualified, except, however, as ~~hereinafter~~ provided.

**COMMITTEE AMENDMENT**

2           **Sec. 7. Trustees; how appointed; meetings; officers; vacancies filled**  
3 **for the unexpired term.** The first board of trustees shall must be  
4 appointed within 3 days after the meeting of the voters of said  
5 the district to accept this act, 1 one to serve until the 1st  
6 annual meeting of the district, 1 one until the 2nd and 1 one  
7 until the 3rd such meeting. Thereafterward, 1 one member shall  
8 must be appointed by said the city council at its 1st regular  
9 meeting for the month of March to serve for the term of 3 years.  
10 As soon as convenient after the trustees are first appointed, the  
11 trustees shall hold a meeting at some convenient place in the  
12 district to be called by any member thereof in writing  
13 designating the time and place and delivered in hand to the other  
14 2 4 members not less than 2 full days before the meeting;  
15 provided, however, that they may meet by agreement without such  
16 notice. They shall then organize by the election of a chairman  
17 and clerk from their own number, adopt a corporate seal and  
18 by-laws, and perform any other acts within the powers delegated  
19 to them by law. When necessary they may choose a treasurer and  
20 other needful officers and agents who shall serve at their  
21 pleasure, and whose compensation shall must be fixed by said the  
22 trustees. The treasurer shall furnish bond in such that sum and  
23 with such those sureties as they may approve. Members of the  
24 board shall ~~be~~ are eligible to any office under the board, but  
25 shall may not receive any compensation therefore except as  
26 trustees unless authorized by vote of the city council of the  
27 city of Brewer.

28  
29           The compensation of the trustees shall must be \$50 each per  
30 annum unless otherwise provided by vote as above defined.

31  
32           The trustees shall must be sworn to the faithful performance  
33 of their duties as such, which shall include the duties of any  
34 member as clerk or clerk pro tem. They shall make and publish an  
35 annual report including a report of the treasurer.

36           **Sec. 2. Appointment of new members; terms of new members.** The  
37 2 new members of the Board of Trustees of the Brewer Water  
38 District must be appointed by the city council for the City of  
39 Brewer at its 3rd regularly scheduled meeting following the  
40 effective date of this Act; one for a term expiring in 1995 and  
41 one for a term expiring in 1996. After the initial appointment,  
42 each new member holds office for a term of 3 years and until that  
43 member's respective successor is appointed and qualified in  
44 accordance with the procedures contained in Private and Special  
45 Law 1945, chapter 146, section 7.

46  
47           **Sec. 3. Acceptance subject to referendum.** This Act must be  
48 submitted to the legal voters within the district at an election  
49 called for that purpose and held by December 31, 1994. The  
50

2 election must be called, advertised and conducted according to  
3 the law relating to municipal elections, except that the  
4 registrar of voters is not required to prepare or the clerk to  
5 post a new list of voters and, for this purpose, the registrar of  
6 voters must be in session the 3 secular days preceding the  
7 election, of which the first 2 days must be devoted to  
8 registration of the voters and the last day to verification of  
9 the list and completion of the records of these sessions by the  
10 registrar. The subject matter of this Act is reduced to the  
11 following question:

12 "Do you favor amending the charter that created the Brewer  
13 Water District by adding 2 additional members to the Board  
14 of Trustees of the Brewer Water District?"

16 The voters shall indicate by a cross or check mark placed  
17 against the words "Yes" or "No" their opinion of the same.

18  
19 The results must be declared by the municipal officers of  
20 the City of Brewer and the due certificate of the results filed  
21 by the clerk with the Secretary of State.

22  
23 This Act takes effect for all purposes immediately upon its  
24 acceptance by a majority of the legal voters within the district  
25 voting at the special election. Failure of the approval by the  
26 necessary majority of voters at any such election does not  
27 prevent a subsequent election or elections from being held for  
28 that purpose prior to December 31, 1994.

30  
31  
32 **FISCAL NOTE**

33 This bill requires the Brewer Water District to hold a  
34 certain referendum. The additional costs of this state mandate  
35 are likely to be relatively minor. Pursuant to the Mandate  
36 Preamble, the two-thirds vote of all members elected to each  
37 House exempts the State from the constitutional requirement to  
38 fund 90% of the additional local costs.'

40  
41  
42 **STATEMENT OF FACT**

43 This amendment makes technical corrections to the bill. It  
44 also adds a mandate preamble and a fiscal note. The amendment  
also makes necessary style and technical changes.