

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1239

H.P. 882

House of Representatives, February 11, 1999

**An Act to Clarify the Governance of Soil and Water Conservation
Districts.**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOOLEY of Farmington.
Cosponsored by Senator KIEFFER of Aroostook and
Representatives: COWGER of Hallowell, HONEY of Boothbay, KASPRZAK of Newport,
USHER of Westbrook, Senators: DAVIS of Piscataquis, FERGUSON of Oxford, KILKELLY
of Lincoln.

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

2
3 **Sec. 1. 12 MRSA §101**, as amended by PL 1995, c. 532, §17, is
4 repealed and the following enacted in its place:

6 **§101. Nominations, elections and appointments of supervisors**

8 **1. Elections of supervisors.** The governing body of each
9 district consists of a board of 5 supervisors. Three of the
10 supervisors must be elected. Petitions may be filed to nominate
11 candidates for election as supervisors of each district. When
12 the district is first created, nominating petitions must be filed
13 with, and the election must be conducted by, the department.
14 After the creation of the district, nominating petitions must be
15 filed with, and the election must be conducted by, each
16 district. Nominating petitions must be subscribed by 25 or more
17 registered voters residing within the district, as certified and
18 sworn by the person submitting the petition and subject to such
19 verification as the department or district may require.
20 Registered voters may sign petitions to nominate more than one
21 candidate for supervisor. The department or district shall give
22 notice of the time for making nominations and the time and manner
23 in which the election will occur. Registered voters residing
24 within the district are eligible to vote in an election. When a
25 district is first created, the 3 nominated candidates who receive
26 the largest number of votes in the election are the elected
27 supervisors of the district. Terms of elected supervisors are
28 staggered, with supervisors initially elected to one-, 2- and
29 3-year terms respectively. Following an election, the results
30 must be published in a newspaper of general circulation in the
31 district, and the names of those elected must be certified by the
32 commissioner. The commissioner may adopt rules or prescribe
33 procedures governing elections, which may include elections by
34 mail or other procedures the commissioner finds to be fair and
35 efficient. Rules adopted pursuant to this subsection are routine
36 technical rules pursuant to Title 5, chapter 375, subchapter II-A.

38 **2. Appointments of supervisors.** In each district, 2
39 supervisors must be appointed by the commissioner, taking into
40 consideration the various interests of the district in
41 agriculture, forestry, wildlife, recreation and community and
42 regional development. The appointees must be qualified by
43 training and experience to perform their duties. The terms of
44 the appointed supervisors must be staggered, with supervisors
45 initially appointed to one-year or 2-year terms respectively.

46
47 **3. Tenure.** A supervisor shall continue to hold office
48 until the supervisor's successor has been elected or appointed
and has qualified pursuant to subsection 2.

2 of soil and water conservation district supervisors and permits temporary appointments to fill vacancies in unexpired terms of elected supervisors.