



## **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.

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:

Sec. 1. 12 MRSA §101, as amended by PL 1995, c. 532, §17, is repealed and the following enacted in its place: 4

- 6 §101. Nominations, elections and appointments of supervisors
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1. Elections of supervisors. The governing body of each district consists of a board of 5 supervisors. Three of the 10 supervisors must be elected. Petitions may be filed to nominate candidates for election as supervisors of each district. When 12 the district is first created, nominating petitions must be filed with, and the election must be conducted by, the department. 14 After the creation of the district, nominating petitions must be filed with, and the election must be conducted by, each 16 district. Nominating petitions must be subscribed by 25 or more registered voters residing within the district, as certified and 18 sworn by the person submitting the petition and subject to such verification as the department or district may require. 20 Registered voters may sign petitions to nominate more than one candidate for supervisor. The department or district shall give 22 notice of the time for making nominations and the time and manner in which the election will occur. Registered voters residing 24 within the district are eligible to vote in an election. When a district is first created, the 3 nominated candidates who receive the largest number of votes in the election are the elected 26 supervisors of the district. Terms of elected supervisors are 28 staggered, with supervisors initially elected to one-, 2- and 3-year terms respectively. Following an election, the results 30 must be published in a newspaper of general circulation in the

district, and the names of those elected must be certified by the 32 commissioner. The commissioner may adopt rules or prescribe procedures governing elections, which may include elections by 34 mail or other procedures the commissioner finds to be fair and 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 supervisors must be appointed by the commissioner, taking into 40 consideration the various interests of the district in agriculture, forestry, wildlife, recreation and community and 42 regional development. The appointees must be qualified by training and experience to perform their duties. The terms of the appointed supervisors must be staggered, with supervisors 44 initially appointed to one-year or 2-year terms respectively. 46
- 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	4. Vacancies. A vacancy for the unexpired term of an
4	appointed supervisor must be filled through appointment by the commissioner as described in this section. A vacancy for the unexpired term of an elected supervisor may be temporarily filled
6	by the commissioner through appointment of an associate supervisor designated with voting authority in accordance with
8	section 103. This appointment is effective only until the district holds an election as necessitated by the expiration of
10	the term of any elected supervisor.
12	Sec. 2. 12 MRSA §102, as amended by PL 1995, c. 532, §15, is repealed and the following enacted in its place:
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1.6	§102. Duties of supervisors and district employees
16	1. Supervisors. A majority of the supervisors constitute a
18	quorum, and the vote of a majority of the quorum present
	constitutes an action by the board. The supervisors shall elect
20	one of their members to be chair and may, from time to time,
	change such designation. As determined by the board, and to the
22	extent funds are available for this purpose, a supervisor may
24	receive reasonable compensation for services and other expenses, including travel necessarily incurred in the discharge of the
44	supervisor's duties.
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	2. Employees and others. The supervisors may employ a
28	secretary and such other employees and contractors as they
	require in the performance of their duties. The supervisors may
30	call upon the Attorney General for legal services. The
32	supervisors shall require the execution of surety bonds for all employees and officers who are entrusted with funds or valuable
52	property.
34	
	3. Delegation. Subject to their appropriate supervision,
36	the supervisors may delegate the work of the district to one or more of their members of the district or to their employees or
38	agents as they determine necessary for the conduct of the district's business.
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	4. Records. The supervisors shall provide for the keeping
42	of accurate records of their actions, proceedings and other
	business of the district. The supervisors shall furnish to the
44	commissioner any records or information that the commissioner may request concerning the performance of the district's business.
46	request concerning the periormance of the district's business.
48	SUMMARY
50	This bill replaces archaic language regarding the election

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