

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2040

S.P. 718

In Senate, March 24, 1999

An Act to Amend the Charter of the Norridgewock Water District.

(EMERGENCY)

Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MILLS of Somerset.

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** the charter of the Norridgewock Water District
6 requires a member of the board of trustees to be a resident of
the district; and

8 **Whereas,** members of the board of trustees are residents of
10 the town and not necessarily residents of the district; and

12 **Whereas,** the charter limits the salary of the treasurer to
\$500 per year; and

14 **Whereas,** the treasurer's current salary is in excess of the
16 charter limit; and

18 **Whereas,** in order to be able to maintain the current members
and pay the treasurer's current salary, this legislation must be
20 an emergency; and

22 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
24 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
26 safety; now, therefore,

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

30 **Sec. 1. P&SL 1953, c. 84, §8** is amended to read:

32 **Sec. 8. Board of trustees.** All the affairs of said the
district ~~shall-be~~ are managed by a board of 3 trustees, ~~resident~~
34 ~~herein~~ who ~~shall--be~~ must be residents of the town and are
appointed by the municipal officers of the town of Norridgewock.
36 They ~~shall~~ hold office as ~~hereinafter~~ provided in section 9 and
until their respective successors are appointed and qualified.
38 Whenever the term of office of a trustee expires, the municipal
officers of the town of Norridgewock shall appoint a successor to
40 serve the full term of 3 years and in case of any other vacancy
arising from any cause, it ~~shall~~ must be filled in like manner
42 for the unexpired term. When any trustee ceases to be a resident
of ~~said-district~~ the Town of Norridgewock, ~~his that trustee's~~
44 ~~office as-trustee shall-be~~ is declared vacant. During ~~his that~~
trustee's term of office, no ~~selectman~~ municipal officer of said
46 the town of Norridgewock shall ~~may~~ serve as a member of the board
of trustees of the district.

48 **Sec. 2. P&SL 1953, c. 84, §9,** as amended by PL 1989, c. 64, §6,
50 is further amended to read:

2 **Sec. 9. Trustees; how elected; meetings; officers;**
3 **vacancies filled for the unexpired term.** The first board of
4 trustees shall--be is appointed within 10 days after the
5 acceptance of this act by the voters of said the district, 1 to
6 serve until the 1st annual meeting of the district, 1 until the
7 2nd, and 1 until the 3rd such meeting. ~~Thereafter~~ After the
8 initial appointment of trustees, 1 member shall be appointed at
9 ~~the time of each annual meeting~~ on May 1st of each year to serve
10 for a term of 3 years. As soon as convenient after their
11 appointment, the trustees first appointed shall hold a meeting at
12 some convenient place in the district, to be called by any member
13 thereof, in writing, designating the time and place, and
14 delivered in hand to the other 2 members not less than 2 full
15 days before the meeting; ~~provided, however, that~~ as long as they
16 meet by agreement and waiver without such notice. They shall
17 then organize by the election of a ~~chairman~~ chair and clerk from
18 their own number, adopt a corporate seal and by-laws, and perform
19 any other acts within the powers delegated to them by law. As
20 necessary, they may choose agents and other ~~needful~~ officers who
21 shall serve at their pleasure, and whose compensation shall-be is
22 fixed by said the trustees. They shall choose annually a
23 treasurer to serve for a term of 1 year, fix the treasurer's
24 salary, ~~which shall in no case exceed \$500 per year~~, and fill
25 vacancies in that office. The treasurer shall furnish a bond,
26 issued in such sum and by a surety company as approved by the
27 trustees, and the expense of securing the bond is to be borne by
28 the district. Members of the board shall-be are eligible to any
29 office under the board, but shall may not receive compensation
30 ~~therefor~~, except as trustee, unless authorized by vote of the
31 municipal officers of the town of Norridgewock.

32
33 ~~The compensation of the trustees shall not exceed \$50 each~~
34 ~~per year, unless otherwise provided by vote, as above provided.~~
35 The trustees of the water district receive compensation as
36 recommended by the trustees and approved by a majority of the
37 municipal officers. A trustee who is also a municipal officer
38 may receive compensation for the duties of a trustee and a
39 municipal officer. For districts serving more than one
40 municipality, any change in the compensation received by the
41 trustees for any duties they perform within the district must be
42 recommended by the trustees and approved by majority vote of the
43 municipal officers in each municipality in municipalities
44 representing a majority of the population within the district.
45 Certification of the vote must be recorded with the Secretary of
46 State and recorded in the bylaws. Compensation for duties and
47 reimbursement for travel and expenses as trustees must be
48 specified in the bylaws.

2 The trustees shall be sworn to the faithful performance of
their duties as such, which shall include the duties of any
4 member as clērk or clerk pro tempore. They shall make and
publish an annual report, which shall also ~~contain~~ contains a
6 report of the treasurer.

8 **Sec. 3. P&SL 1953, c. 84, §10** is amended to read:

10 **Sec. 10. Annual meeting of district; qualification of**
voters of district. After the acceptance of this charter and the
organization of the board, the annual meetings of the district
12 shall must be held within the district ~~on the 1st Monday of each~~
~~March,~~ at such hour and place as may be designated by resolution
14 of the board of trustees as provided in the by-laws. Notice
~~thereof of the meeting,~~ signed by the chairman chair or clerk of
16 the board, shall must be conspicuously posted in 2 public places
within the district, not less than 7 days before the meeting.
18 Special meetings may be called by the board in like manner at any
time, and notice of special meetings shall must state the
20 business to be transacted ~~thereat~~ at the special meeting. ~~Ten~~
~~per-cent-of-the-voters-qualified-to-vote-in-such-meetings-shall~~
22 ~~constitute-a-quorum.---If-for-any-reason-a-legally-sufficient~~
~~annual-meeting-is-not-held-on-the-above-date,-a-meeting-in-lieu~~
24 ~~thereof-may-be-called-in-like-manner-to-be-held-within-2-months~~
~~from-said-date.~~

26
28 All persons resident in said the district and qualified to
vote for ~~governor~~ Governor under the laws of this ~~state-shall-be~~
State are entitled to vote in any meeting of the district,
30 including the meeting for acceptance of this charter.

32 **Sec. 4. Retroactivity.** The sections of this Act that amend
Public and Special Law 1953, chapter 84, sections 8 and 9 are
34 retroactive to February 23, 1995.

36 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
38

40 SUMMARY

42 This bill amends the charter of the Norridgewock Water
District by changing the residency of a trustee from being a
44 resident of the district to a resident of the town. The bill
changes the term of the trustees. The bill also eliminates the
46 requirement that the annual meeting must be on March 1st. The
bill eliminates the requirement that a quorum must be present to
48 hold a meeting. The bill also amends the compensation of the
trustees and the treasurer. The bill makes the residency

2 requirement for the trustees and the salary of the treasurer
retroactive to February 23, 1995.