

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 497

H.P. 372

House of Representatives, February 1, 2005

**An Act To Amend the Charter of the Boothbay Region Water
District**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BISHOP of Boothbay.
Cosponsored by Senator DOW of Lincoln.

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

4
6 Whereas, new trustees are going to be elected at the next
town meetings for the Town of Boothbay Harbor and the Town of
Boothbay; and

8
10 Whereas, it is necessary to have this legislation an
emergency so that the qualifications of the trustees are
effective before the elections at the town meetings; and

12
14 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18
20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. P&SL 2001, c. 15, §5, sub-§§1 and 4** are amended to read:

24 **1. First board.** The municipal officers of the Town of
Boothbay Harbor and the Town of Boothbay at a joint meeting shall
appoint the first board of trustees, 3 of whom must be residents
26 of the Town of Boothbay Harbor, 2 of whom must be residents of
the Town of Boothbay and all of whom must be current
28 commissioners of the Boothbay Harbor Water System or trustees of
the East Boothbay Water District. The trustees from the Town of
30 Boothbay Harbor serve terms as follows: one for a term of one
year, one for a term of 2 years and one for a term of 3 years.
32 The trustees from the Town of Boothbay serve terms as follows:
one for a term of 2 years and one for a term of 3 years. The
34 municipal officers shall determine the term of office of each
trustee. Vacancies are filled pursuant to subsection 4. After
36 the expiration of the term of the Town of Boothbay Harbor trustee
with the one-year term, the succeeding trustee is elected at
38 large from the district for a term of 3 years. Each trustee must
reside in a household to which the district's service is provided.

40
42 **4. Vacancy.** Whenever the term of office of a trustee from
the Town of Boothbay Harbor expires, the trustee's successor must
be elected from the Town of Boothbay Harbor by the inhabitants of
44 the district, except that, after the first year, the successor of
the trustee from the Town of Boothbay Harbor that served a term
46 of one year must be elected at large by the inhabitants of the
district at town meetings to be held in the Town of Boothbay
48 Harbor and the Town of Boothbay. Whenever the term of office of
a trustee from the Town of Boothbay expires, the trustee's

2 successor must be elected from the Town of Boothbay by the
inhabitants of the district. Trustees are elected at the annual
town meetings from the town that the trustees represent. The
4 trustee so elected shall serve the full term of 3 years. If any
vacancy arises in the membership of the board of trustees, it
6 must be filled in like manner for the unexpired term by a special
election to be called by the trustees of the district. When any
8 trustee ceases to be a resident of the district or to reside in a
household to which the district's service is provided, the
10 trustee shall vacate the office of trustee and the vacancy must
be filled as provided in this subsection. All trustees are
12 eligible for reelection, but a person who is a municipal officer
in the Town of Boothbay Harbor or the Town of Boothbay is not
14 eligible for nomination or election as trustee.

16 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
18

20 SUMMARY

22 This bill requires that a trustee of the Boothbay Region
Water District reside in a household to which the district's
24 service is provided.