

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1369

H.P. 959

House of Representatives, April 2, 2009

An Act To Amend the Charter of the Clinton Water District

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FITTS of Pittsfield.
Cosponsored by Senator MARRACHÉ of Kennebec.

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

2 **Sec. 1. P&SL 1945, c. 72, §1, 2nd ¶** is repealed and the following enacted in its
3 place:

4 The area within the district is to be composed of that part of the town of Clinton
5 bounded and described as follows: Beginning at a point where the Clinton-Benton town
6 line crosses the Sebasticook River one mile south of Clinton Village; thence northeast to
7 a point crossing Bellsqueeze Road, 1,000 feet south of Hinkley Road intersection;
8 continuing northwest to a point at Morrison Corner where Town House Hill road meets
9 Battle Ridge Road to Goodrich Road; thence southeasterly along Goodrich Road to
10 Whitten Road; continuing southeasterly, crossing Mutton Lane Road on the southern side
11 of the I-95 overpass; continuing straight to the Sebasticook River where the Waldo-
12 Kennebec County line crosses the Sebasticook River; following the Sebasticook River to
13 the Benton-Clinton line; thence westerly to the point of beginning.

14 **Sec. 2. P&SL 1945, c. 72, §1, 3rd ¶**, as amended by PL 1975, c. 461, §8, is
15 repealed.

16 **Sec. 3. P&SL 1945, c. 72, §8** is amended to read:

17 **Sec. 8. Board of trustees.** All the affairs of said ~~the~~ district shall be are managed
18 by a board of 3 trustees, resident ~~therein of the district~~, who shall be appointed by the
19 ~~municipal officers of the town of Clinton~~ are elected at the annual meeting of the water
20 district. They shall hold office as ~~hereinafter~~ provided in the charter and until their
21 respective successors are ~~appointed~~ elected and qualified. ~~Whenever the term of office of~~
22 ~~a trustee expires, the municipal officers of the town of Clinton shall appoint a successor~~
23 ~~to serve the full term of 3 years and in case of any other vacancy arising from any cause,~~
24 ~~it shall be filled in like manner for the unexpired term.~~ When any trustee ceases to be a
25 resident of said ~~the~~ district, ~~his that trustee's office as trustee shall be~~ is declared vacant.
26 ~~During his term of office no selectman~~ A selectperson of said ~~the~~ town of Clinton shall
27 may not serve as a member of the board of trustees of the district while serving as a
28 selectperson.

29 **Sec. 4. P&SL 1945, c. 72, §9** is amended to read:

30 **Sec. 9. Trustees; how elected; meetings; officers; vacancies filled for the**
31 **unexpired term.** The first board of trustees shall must be appointed within 10 days
32 after the acceptance of this act by the voters of said ~~the~~ district, one to serve until the first
33 annual meeting of the district, one until the second, and one until the third ~~such~~ annual
34 meeting. Thereafter, one member shall must be ~~appointed~~ elected at the time of each
35 annual meeting to serve for a term of 3 years. As soon as convenient after their
36 appointment, the trustees first appointed shall hold a meeting at some convenient place in
37 the district, to be called by any member ~~thereof~~ of the board, in writing, designating the
38 time and place, and delivered in hand to the other ~~two~~ 2 members not less than 2 full days
39 before the meeting; ~~provided, however, that they may meet by agreement and waiver~~
40 without such notice. They shall then organize by the election of a ~~chairman~~ chair and
41 clerk from their own number, adopt a corporate seal and by-laws, and perform any other

1 acts within the powers delegated to them by law. As necessary, they may choose agents
2 and other needful officers who shall serve at their pleasure, and whose compensation
3 shall be ~~is~~ fixed by ~~said~~ the trustees. They shall choose annually a treasurer to serve for a
4 term of ~~1~~ one year; and fix the treasurer's salary, ~~which shall in no case exceed \$200 per~~
5 ~~year, and fill vacancies in that office.~~ The treasurer shall furnish a bond, issued in such
6 sum by a surety company as the trustees may approve, and the expense of securing the
7 bond is to be borne by the district. Members of the board shall ~~be~~ are eligible to any
8 office under the board, but shall may not receive compensation ~~therefor~~, except as trustee,
9 unless authorized by vote of the municipal officers of the town of Clinton.

10 The compensation of the trustees shall ~~may~~ not exceed ~~\$50~~ \$700 each per year,
11 unless otherwise provided by vote, ~~as above defined.~~ Increases in compensation are
12 pursuant to the Maine Revised Statutes, Title 35-A, section 6410, subsection 7.

13 The trustees shall must be sworn to the faithful performance of their duties as such,
14 which shall include the duties of any member as clerk or clerk pro tempore. They shall
15 make and publish an annual report, which shall must also contain a report of the treasurer.

16 Nominations and elections of trustees are conducted in accordance with the laws
17 relating to municipal elections. When the term of office of a trustee expires, the trustee's
18 successor is elected at large by a plurality vote of the voters of the district. For the
19 purpose of the election, a special election must be called and held on the date established
20 by the trustees. The election must be called by the trustees of the district in the same
21 manner as town meetings are called, and, for this purpose, the trustees are vested with the
22 powers of municipal officers of towns.

23 The trustees shall appoint a registrar of voters for the district, who may also be the
24 registrar of voters of the Town of Clinton, and fix the registrar's salary. It is the registrar's
25 duty to make and keep a complete list of all the eligible voters of the district. The list
26 prepared by the registrar governs the eligibility of any voter. Voters who are residents
27 outside the territorial limits of the district, as defined in section 1 of this Act, are not
28 eligible voters and the registrar of voters shall exclude those voters from the registrar's
29 list. All warrants issued for elections by the trustees must show that only the voters
30 residing within the territorial limits of the district are entitled to vote.

31 **Sec. 5. P&SL 1945, c. 72, §10** is amended to read:

32 **Sec. 10. Annual meeting of district; qualification of voters of district.**

33 After the acceptance of this charter and the organization of the board, the annual meeting
34 of the district shall must be held within the district ~~on the 1st Monday of March~~ at a date
35 selected by the trustees, at such hour and place as may be designated by resolution of the
36 board of trustees as provided in the by-laws. Notice ~~thereof of the annual meeting~~; signed
37 by the ~~chairman~~ chair or clerk of the board, shall must be conspicuously posted in 2
38 public places within the district, not less than 7 days before the meeting. Special meetings
39 may be called by the board in like manner at any time, and notice of special meetings
40 shall must state the business to be transacted ~~thereat~~ at the meeting. Ten per cent of the
41 voters qualified to vote in such meetings shall ~~constitute~~ constitutes a quorum. ~~If for any~~
42 ~~reason a legally sufficient annual meeting is not held on the above date, a meeting in lieu~~
43 ~~thereof may be called in like manner to be held within 2 months from said date.~~

SUMMARY

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This bill amends the charter of the Clinton Water District by amending the territorial limits. The bill amends how the salaries of the trustees and the treasurer are to be determined. It amends the time of the annual meeting and it corrects gender-specific language.