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L.D. 890 1 Date: 4/26/11 (Filing No. H-116) 2 **ENERGY, UTILITIES AND TECHNOLOGY** 3 Reproduced and distributed under the direction of the Clerk of the House. 4 5 STATE OF MAINE HOUSE OF REPRESENTATIVES 6 7 125TH LEGISLATURE FIRST REGULAR SESSION 8 COMMITTEE AMENDMENT "H" "to H.P. 657, L.D. 890, Bill, "An Act To Create the Anson and Madison Water District" 9 10 11 Amend the bill by striking out all of sections 4 to 6 and inserting the following: 12 'Sec. 4. Trustees; how elected; first board; meetings; officers. All of the 13 affairs of the district must be managed by a board of trustees composed of 7 members: 4 14 residents of the Town of Madison and 3 residents of the Town of Anson. 15 1. First board; nominations and elections. Notwithstanding any provision in the 16 Maine Revised Statutes, Title 35-A, section 6410, subsections 1, 2, 3 and 4 to the 17 contrary, the nomination, appointment and election of trustees and the appointment and 18 terms of office of the first board of trustees are authorized by this subsection. 19 The first board of trustees of the district is appointed. Within 30 days after the effective 20 date of this Act, the trustees of the Madison Water District shall appoint 4 trustees who 21 must be residents of the Town of Madison and the trustees of the Anson Water District 22 shall appoint 3 trustees who must be residents of the Town of Anson. 23 Each trustee appointed from the Town of Madison to the first board serves an initial term 24 specified in the appointment by the trustees of the Madison Water District as follows: one 25 for a term that expires on November 15th of the year that is one year after the year in 26 which the trustee was appointed, one for a term that expires on November 15th of the 27 year that is 2 years after the year in which the trustee was appointed, one for a term that 28 expires on November 15th of the year that is 3 years after the year in which the trustee 29 was appointed and one for a term that expires on Novémber 15th of the year that is 4 30 years after the year in which the trustee was appointed. Subsequent trustees are elected 31 by vote of the residents of the Town of Madison to 3-year terms in accordance with 32 subsection 3. 33 Each trustee appointed from the Town of Anson to the first board serves an initial term 34 specified in the appointment by the trustees of the Anson Water District as follows: one 35 for a term that expires on November 15th of the year that is one year after the year in 36 which the trustee was appointed, one for a term that expires on November 15th of the

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COMMITTEE AMENDMENT " to H.P. 657, L.D. 890

year that is 2 years after the year in which the trustee was appointed and one for a term that expires on November 15th of the year that is 3 years after the year in which the trustee was appointed. Subsequent trustees are elected by vote of the residents of the Town of Anson to 3-year terms in accordance with subsection 3.

2. Organization; conduct of business. Except as otherwise expressly provided in this Act, the organization and powers of the board of trustees must be in accordance with Title 35-A, chapter 64.

Notwithstanding Title 35-A, section 6410, subsection 4, within 30 days after the effective date of this Act, the trustees shall hold a meeting for the purpose of electing a chair, treasurer and secretary from among them to serve for one year and until their successors are elected and qualified.

A quorum of the board of trustees consists of 4 members, 2 from the Town of Anson and 2 from the Town of Madison.

3. Terms; eligibility requirements; vacancy. Notwithstanding any provision in Title 35-A, section 6410, subsections 1, 3 and 4 to the contrary, the terms of trustees, eligibility requirements and filling of vacancies are authorized by this subsection. Except for the first board, trustees from the Town of Madison and the Town of Anson serve 3-year terms. The successor of a trustee who is a resident of the Town of Madison must be a resident of the Town of Madison. The successor of a trustee who is a resident of the Town of Anson must be a resident of the Town of Anson elected by the inhabitants of the Town of Anson.

When a trustee ceases to be a resident of the town in which the trustee resided when appointed or elected, the trustee shall vacate the office of trustee and the vacancy must be filled as provided in this subsection. A trustee is eligible for reelection, but a person who is a municipal officer of the Town of Madison or the Town of Anson is not eligible for appointment or for nomination or election as a trustee.

When the term of office of a trustee expires, the trustee's successor is elected by a plurality vote of the voters of the Town of Madison or the Town of Anson, as applicable. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the district in the same manner as town meetings are called and, for this purpose, the trustees are vested with the powers of municipal officers of towns. A vacancy is filled in the same manner for the unexpired term by a special election called by the trustees of the district.

Nominations and elections of trustees are conducted in accordance with the laws relating to municipal elections. All elections must be conducted by secret ballot according to Title 30-A, section 2528.

The trustees shall appoint a registrar of voters for the district, who may also be the registrar of voters for any town within the district, and fix the registrar's salary. It is the registrar's duty to make and keep a complete list of all the registered voters resident in the district. The list prepared by the registrar governs the eligibility of a voter. All warrants issued for elections by the trustees must show that only the voters resident within the Town of Madison or the Town of Anson, as applicable, are entitled to vote.'

Amend the bill in section 7 by inserting at the end the following:

A. & S.	COMMITTEE AMENDMENT " to H.P. 657, L.D. 890
1 2 3 4	'Upon dissolution of the Madison Water District and the Anson Water District, the trustees of the Anson and Madison Water District shall submit legislation for introduction to the Legislature to repeal the charters of the Madison Water District and the Anson Water District.'
5 6	Amend the bill in section 8 in the question in the 3rd line (page 6, line 10 in L.D.) by inserting after the following: "Madison Water District" the following: 'and'
7 8	Amend the bill by relettering or renumbering any nonconsecutive Part letter of section number to read consecutively.
9	SUMMARY
10	This amendment makes the following changes to the bill:
11 12 13 14	1. It provides that the first board of trustees of the Anson and Madison Water District consists of 7 members, 4 appointed by the trustees of the Madison Water District and 3 appointed by the trustees of the Anson Water District. It also specifies the initial terms of the trustees;
15 16	2. It requires the trustees to hold a meeting within 30 days after the effective date o the bill to elect a chair, treasurer and secretary from among the trustees;
17 18 19 20	3. It provides that subsequent trustees are elected to 3-year terms, 4 members from the Town of Madison elected by the inhabitants of the Town of Madison and 3 members from the Town of Anson elected by the inhabitants of the Town of Anson. The elections are conducted in accordance with municipal election law by secret ballot;
21 22	4. It eliminates sections of the bill dealing with eminent domain and financing. The district will be governed by the standard water district laws governing those matters;

6. It corrects a clerical error in the bill.

Anson Water District and the Madison Water District charters; and

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5. It clarifies that when the district is created and the current Anson Water District

and Madison Water District are dissolved, legislation must be submitted to repeal the