

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 216

S.P. 85

In Senate, February 3, 2015

### An Act To Amend the Charter of the Hampden Water District

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative DAVITT of Hampden and  
Senator: President THIBODEAU of Waldo.

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

3           **Whereas,** this legislation must take effect before the expiration of the 90-day period  
4 to provide for the filling of any vacancies on the board of trustees of the Hampden Water  
5 District; and

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

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

11           **Sec. 1. P&SL 1937, c. 34, §8, 4th and 5th ¶¶,** as enacted by P&SL 2001, c. 5,  
12 §3, are amended to read:

13           The terms of trustees of the district are for ~~5~~ 3 years. The trustees must be nominated  
14 and elected under the same procedure and at the same time as provided for the town  
15 councilors of the town.

16           The term of office of the trustees begins on the 3rd Thursday of January. In the event  
17 a vacancy arises in the membership of the board of trustees, the ~~unexpired term of the~~  
18 ~~vacant office must be filled by the Town Council of the Town of Hampden~~ trustees may  
19 call and hold a special election to fill the vacancy in the same manner as elections are  
20 called and held for expired terms pursuant to this act or the trustees may appoint a person  
21 eligible to fill the vacancy. ~~When any trustee ceases to be a resident of the district, the~~  
22 ~~trustee shall vacate the office of trustee and the vacancy must be filled pursuant to this~~  
23 ~~section.~~ A vacancy is created upon the death or resignation of a trustee, upon a trustee's  
24 ceasing to be a resident of the district or upon a trustee's failure to attend 2 consecutive  
25 meetings or 3 meetings annually except that, by a majority vote, the remaining trustees  
26 may, in their discretion, excuse a trustee's failure to attend a meeting or meetings. All  
27 trustees are eligible for reelection, but a person holding the office of town councilor or  
28 road commissioner in the Town of Hampden is not eligible for nomination or election as  
29 trustee. The trustees may procure an office and incur expenses as may be necessary.  
30 Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7, the  
31 compensation of the trustees and the treasurer of the board of trustees is determined by  
32 the board of trustees. At the close of each fiscal year, the trustees shall make a detailed  
33 report of their doings, of the receipts and expenditures of the water district, of its financial  
34 and physical condition and of any other matters and things pertaining to the district that  
35 will show the inhabitants of the district how the trustees are fulfilling the duties and  
36 obligations of their trust, such report to be made and filed with the Town Council of the  
37 Town of Hampden.

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

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## **SUMMARY**

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This bill amends the Hampden Water District charter to change a trustee's term of office from 5 years to 3 years and to change what constitutes a vacancy on the board of trustees and how a vacancy may be filled.

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