

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1198

S.P. 373

In Senate, March 12, 2019

### **An Act To Ensure Transparency and Participation in Maine Water Districts**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.  
Cosponsored by Representative MARTIN of Sinclair and  
Senators: CLAXTON of Androscoggin, DESCHAMBAULT of York, KEIM of Oxford,  
Representatives: HEAD of Bethel, PEBWORTH of Blue Hill, VEROW of Brewer.

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

2 **Sec. 1. 35-A MRSA §6403, sub-§1, ¶¶D and E**, as enacted by PL 1995, c. 616,  
3 §10, are amended to read:

4 D. The ~~appointing authority responsible for appointing or the method of electing the~~  
5 first board of trustees;

6 E. The terms of the trustees who are elected ~~or appointed~~ subsequent to the first  
7 board. Terms may not be longer than 3 years. Terms of the first board are  
8 determined pursuant to section 6410, subsection 4; and

9 **Sec. 2. 35-A MRSA §6403, sub-§1, ¶F**, as enacted by PL 1995, c. 616, §10, is  
10 repealed.

11 **Sec. 3. 35-A MRSA §6410, first ¶**, as enacted by PL 1995, c. 616, §10, is  
12 amended to read:

13 All of the affairs of a standard district must be managed by a board of trustees whose  
14 members must be residents of the district. The number of trustees must be specified in  
15 the standard district's charter. After selection of the first board, each trustee is nominated  
16 and elected ~~or appointed~~ as provided in the charter creating the standard district and in  
17 accordance with subsection 1 or 2, as applicable. ~~If the charter does not indicate whether~~  
18 ~~trustees are appointed or elected, the trustees, after the selection of the first board, must~~  
19 ~~be elected in accordance with subsection 1.~~

20 **Sec. 4. 35-A MRSA §6410, sub-§2**, as enacted by PL 1995, c. 616, §10, is  
21 amended to read:

22 **2. Standard districts; appointments.** ~~If the charter creating a standard district~~  
23 ~~specifies that the trustees are~~ sufficient and appropriate nominations for election have not  
24 occurred, trustees may be appointed, ~~the appointments must be made as provided in the~~  
25 ~~charter.~~

26 **Sec. 5. 35-A MRSA §6410, sub-§4**, as enacted by PL 1995, c. 616, §10, is  
27 amended to read:

28 **4. Standard districts; first board.** The first board is ~~appointed or~~ elected as  
29 provided indicated in the charter creating the standard district or in accordance with this  
30 subsection. At the first meeting, the initial trustees shall determine by agreement or,  
31 failing to agree, they shall determine by lot the term of office of each trustee. The terms  
32 of the trustees must be determined in accordance with the following table.

33 TERM				
34	35 Total number of	36 1 year	37 2 years	38 3 years
35	trustees			
36	3	1	1	1
37	4	1	1	2

1	5	1	2	2
2	6	2	2	2
3	7	2	2	3
4	8	2	3	3
5	9	3	3	3
6	10	3	3	4
7	11	3	4	4
8	12	4	4	4
9	13	4	4	5
10	14	4	5	5
11	15	5	5	5

12 The trustees shall enter on their records the determination made. Vacancies are filled  
13 pursuant to subsection 1 or 2, as applicable.

14 At this original meeting, the trustees shall organize by electing from among their  
15 members a chair and a clerk, by adopting a corporate seal and by electing a treasurer who  
16 may or may not be a trustee.

17 **SUMMARY**

18 This bill removes from the laws governing water districts and standard water districts  
19 language referencing the appointment of standard district trustees pursuant to standard  
20 district charters. It amends the law regarding appointments of trustees to provide that, if  
21 sufficient and appropriate nominations for the election of trustees have not occurred,  
22 trustees may be appointed.