

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Charter of the Hampden Water District

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

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

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 necessary for the preservation of the public peace, health and safety; now, therefore,

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

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

The terms of trustees of the district are for 53 years. The trustees must be nominated and elected under the same procedure and at the same time as provided for the town councilors of the town.

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

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

SUMMARY

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.