

**§1104. Trustees**

**1. Authorization.** All the affairs of a sanitary district are managed by an elected board of trustees which consists of not less than 3 trustees, or not less than 5 trustees in sanitary districts involving more than one municipality or one or more municipalities and residents of an unorganized territory. The exact number of trustees is determined in accordance with section 1101. A sanitary district may alter the number of trustees by submitting the proposed alteration to the voters in the same manner as provided in section 1101, subsection 7. No municipality or unorganized territory within any sanitary district may have less than one trustee. A quorum of the trustees may conduct the affairs of the district even if there is a vacancy on the board of trustees.

In the case of a sanitary district whose territory does not extend beyond the boundaries of a single municipality and whose territory encompasses less than the entire area of the municipality, all trustees must be residents of the municipality and a majority of the trustees must be residents within the district. A trustee who ceases to qualify for the office of trustee as a result of the application of this subsection shall vacate the office of trustee and the vacancy must be filled as provided in section 1105.

[PL 1999, c. 299, §1 (AMD).]

**2. Recall.** Trustees may be recalled under the following provisions.

A. The qualified electors of the sanitary district may petition for the recall of any trustee after the first year of the term for which the trustee is elected by filing a petition with the municipal clerk, or the county commissioners in the case of unorganized territory, demanding the recall of the trustee. A trustee may be subject to recall for misfeasance, malfeasance or nonfeasance in office. The petition shall be signed by electors of the political subdivision which that trustee represents equal to at least 25% of the vote cast for the office of Governor at the last gubernatorial election within the political subdivision of the trustee being recalled. The recall petition shall state the reason for which removal is sought. [PL 1981, c. 466, §3 (NEW).]

B. Within 3 days after the petition is offered for filing, the official with whom the petition is left shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, it shall again be carefully examined to determine sufficiency and a certificate stating the findings shall be attached. Immediately upon finding an original or amended petition sufficient, the official shall file the petition and call a special election to be held not less than 40 days nor more than 45 days from the filing date. The official shall notify the trustee, against whom the recall petition is filed, of the special election. [PL 1981, c. 466, §3 (NEW).]

C. The trustee against whom the recall petition is filed is a candidate at the special election without nomination, unless the trustee resigns within 10 days after the original filing of the petition. A primary may not be held. Candidates for the office may be nominated under the usual procedure of nomination for a primary election by filing nomination papers, not later than 5 p.m., 4 weeks preceding the election and have their names placed on the ballot at the special election. [PL 2023, c. 405, Pt. A, §142 (AMD).]

D. The official against whom a recall petition has been filed shall continue to perform the duties of the official's office until the result of the special election is officially declared. The person receiving the highest number of votes at the special election must be declared elected for the remainder of the term. If the incumbent receives the highest number of votes, the incumbent continues in office. If another receives the highest number of votes, that person must succeed the incumbent, if that person qualifies, within 10 days after receiving notification. [RR 2021, c. 2, Pt. B, §268 (COR).]

E. After one recall petition and special election, a further recall petition may not be filed against the same official during the term for which the official was elected. [RR 2021, c. 2, Pt. B, §269 (COR).]

[PL 2023, c. 405, Pt. A, §142 (AMD).]

**3. Trustees retirement.** Persons who have not been trustees prior to January 1, 1987, and who are not full-time employees, shall not be eligible to become members of the Maine Public Employees Retirement System as a result of their selection as trustees.

[PL 1987, c. 256, §46 (RPR); PL 2007, c. 58, §3 (REV).]

#### SECTION HISTORY

PL 1965, c. 310 (NEW). PL 1981, c. 466, §3 (RPR). PL 1987, c. 256, §46 (AMD). PL 1999, c. 299, §1 (AMD). PL 2007, c. 58, §3 (REV). RR 2021, c. 2, Pt. B, §§268, 269 (COR). PL 2023, c. 405, Pt. A, §142 (AMD).

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