

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 919

H. P. 705

House of Representatives, February 19, 1969

Referred to Committee on Public Utilities. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. D'Alfonso of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

**AN ACT to Expand the Purposes of the Portland Water District to
Authorize it to Engage in Treatment and Disposal of Sewage.**

Emergency preamble. Whereas, acts and resolves do not become effective until ninety days after the Legislature adjourns unless passed as emergency measures; and

Whereas, the present sewage facilities are inadequate to serve the needs of the greater Portland area and a new and adequate sewage treatment and disposal service must be immediately constructed; and

Whereas, an adequate sewage treatment and disposal system is essential to the health and welfare of the inhabitants of the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham; and

Whereas, it is imperative that action be taken at the earliest possible time to eliminate existing pollution and to prevent further pollution caused by the present inadequate sewage disposal facilities and to accomplish the necessary regional planning to meet the pollution abatement schedule for the region as established by the State of Maine and the Federal Government; 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. Portland Water District authorized to engage in waste water and sewage service. The Portland Water District, a quasi-municipal corporation organized and existing pursuant to chapter 433 of the private and special laws of the State of Maine of 1907, as amended, is authorized to acquire, construct, maintain, control, operate, manage and provide facilities for the handling on a regional basis of waste water and sewage consisting of domestic, commercial, municipal and industrial wastes and storm or surface waters, collected by such of the municipalities of the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham as from time to time approve this Act in accordance with section 17 hereof, hereinafter referred to as the "participating municipalities"; all for the purpose of providing treatment facilities, interceptor lines and pumping stations for the transmission and disposal of waste water and sewage received from municipal collection systems.

The authorization to service the participating municipalities herein granted shall be exclusive except for the waste water and sewage facilities constructed within any participating municipality prior to the adoption of a regional plan by the trustees of the district, and except for any waste water and sewage facilities to be constructed within any participating municipality for which proposed construction plans have been approved by the appropriate governmental agencies, bids have been invited, construction contracts have been awarded, or municipal financing of such construction has been finally authorized by such participating municipality, all prior to such adoption of the regional plan.

It shall be the duty of the district to receive the waste water and sewage from the local collection systems of the participating municipalities at such point or points as the district and the participating municipality shall agree, and it shall remain the duty of each participating municipality to perform the initial collection of waste water and sewage within such participating municipality and to deliver it to the district at the agreed point or points. As used in this Act the term "waste water and sewage system" refers to the waste water and sewage system authorized under the terms of this Act.

In addition to the operation of the waste water and sewage system, the district is also authorized to contract with persons, firms and corporations, other than municipalities located within the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham, upon such terms as may be agreed to manage, operate, construct and maintain waste water and sewage collection and treatment systems, although the city or town where the person, firm or corporation is located has not accepted the provisions of this Act.

Sec. 2. Power of Portland Water District. In addition to its existing powers, the district is authorized to take, receive, hold, transmit, treat, purify, discharge and dispose of all said waste water and sewage collected by the participating municipalities, all in furtherance of the health, welfare, comfort and convenience of the inhabitants of the participating municipalities, and to provide a method of combating water pollution within the participating

municipalities. All incidental powers, rights and privileges necessary to the accomplishment of the objects herein set forth are granted to the district.

Sec. 3. Authority to construct and maintain. The district is authorized to lay in, along, under and through the streets, roads, ways and highways and tidal waters, lakes, ponds, rivers and water courses in the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham, and across private lands therein, and to maintain, repair and replace all such pipes, lines, drains, conduits, interceptor lines, trunk sewers, outfalls, outlets, and fixtures and appurtenances and to construct, operate, maintain and replace such disposal, treatment and purification facilities and appurtenances, as may be necessary and convenient for the district in carrying out the foregoing powers.

The district is declared to be a public service corporation as the term is used in the Revised Statutes, Title 30, section 4953, subsection 6.

Sec. 4. Excavation and repair work, property to be left in good condition. Whenever the district shall enter, dig up or excavate any street, way or highway, or other land, within the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham, for sewer purposes, it shall cause the same to be done with as little obstruction as possible to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition to the satisfaction of the municipal officers of such municipality.

Sec. 5. Authority to acquire and hold property; eminent domain. The district is authorized and empowered to acquire and hold real and personal property necessary or convenient for the purposes of this Act.

The district is authorized and empowered to exercise the right of eminent domain in the Cities of Portland, South Portland and Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham as hereinafter provided, to acquire and hold for such purposes either by purchase or exercise of its right of eminent domain any land, real estate, easements or interest therein or water rights or interests therein for the purposes of any sewers, trunk sewers, drains, reservoirs, interceptor lines, pumping stations, treatment and disposal facilities, outfalls and all such other equipment, appliances, appurtenances and property used or useful for the transmission, holding, treatment, purification, discharge and disposition of all waste water and sewage.

In exercising its rights of eminent domain, the district shall follow the procedures established in said chapter 33 of private and special laws of Maine of 1907, as amended. Nothing herein contained shall be construed as authorizing the district to take by right of eminent domain any of the property or facilities of any municipal or quasi-municipal corporation used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized by special Act of the Legislature.

Sec. 6. Crossing a public utility. In case of a crossing of any land or interest in land owned by a company operating any public utility, unless writ-

ten consent is given by such company as to place, manner and conditions of the crossing within 30 days after such consent is requested in writing by the district, the Public Utilities Commission upon petition by the district shall determine the place, manner and conditions of such crossing, and all work on the property of such company shall be done under the supervision and to the satisfaction of such company, or as prescribed by the Public Utilities Commission, but at the expense of the district.

Sec. 7. Authorized to acquire property of municipality devoted to sewage system. The district is authorized to acquire by negotiation all or part of the existing waste water and sewage facilities including but not limited to, pumping stations, treatment plants, interceptor lines, trunk sewers and out-falls located within the participating municipalities which are appropriate to the waste water and sewage purposes of the district; and the consideration to be paid shall be agreed upon by the district and such participating municipality acting by and through its municipal officers, without vote of its inhabitants. The consideration shall include the assumption or payment of any outstanding indebtedness incurred by such participating municipality in connection with the property acquired.

The participating municipalities acting by and through their respective municipal officers, without the vote of their inhabitants, are authorized to transfer and convey to the district any property necessary, convenient or useful in furtherance of the waste water and sewage purposes of the district.

Sec. 8. Authorized to borrow money, to issue bonds and notes for waste water and sewage purposes. The district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time bonds or notes of the district to pay for the costs of capital outlay incurred by the district in connection with accomplishing its waste water and sewage purposes, including any necessary expenses and liabilities in acquiring properties, renovating properties, laying pipes, conduits, drains, interceptor lines, trunk sewers, construction of treatment plants, laboratories and other waste water and sewage facilities; making renewals, additions, extensions and improvements to the same; and for the establishment of a reasonable reserve for future payments of debt service which reserve shall not exceed for any issue of bonds or notes, the amount of interest and principal payable on account of such issue averaged for each year except the last in which principal of such issue is payable, and for the interest during the period of construction and for a period not exceeding one year thereafter. Said sewer bonds or notes shall be issued in such amount or amounts as the district, acting through its trustees and without vote of its inhabitants, may determine; and the district may refund any such sewer bonds or notes. Said sewer bonds or notes shall be issued to mature serially, in annual installments, the first of which shall be payable not later than 5 years from the date of such sewer bonds or notes and the last of which shall be payable not later than 40 years from said date, as the trustees shall determine; or may be issued for a term of years not exceeding 40 years; or in a combination to mature serially and for a term of years not exceeding 40 years, all as the trustees shall determine. Said sewer bonds may be callable with or without premium. Said sewer bonds or notes shall contain such terms

and conditions, bear such rate or rates of interest, be sold in such manner, at public or private sale, at par, at a discount or at a premium, all as the trustees shall determine.

If the trustees vote to issue sewer bonds or notes, the trustees may authorize the issuance, in the name of the district, of temporary notes for a period of not more than 3 years in anticipation of the money to be received from the sale of such sewer bonds or notes. The time within which such temporary notes shall be payable need not be included in determining the period for which sewer bonds or notes may be issued.

For the purpose of paying expenses of operation, including, without limitation, any principal or interest due or about to become due on any sewer bond or note issued by the district for which funds are not available, the district, through its trustees and without vote of its inhabitants, is authorized to issue from time to time temporary notes of the district in anticipation of assessments levied or to be levied against the participating municipalities.

Temporary notes in anticipation of assessments shall be payable not more than one year from their date and shall not exceed in principal amount at any one time outstanding the amount of the assessment in anticipation of which they are issued or in the event such assessments have not been levied, the estimated amount of such assessments as determined by the trustees.

Temporary notes issued under this section for a shorter period than the maximum permitted may be renewed by the issue of other temporary notes maturing within the required period; provided that the period from the date of issue of the original temporary note to the date of maturity of the renewal note shall not exceed the maximum period for which the original temporary note may have been issued. Such temporary notes or renewal notes may be sold at discount or with interest payable at, or on and before maturity.

The district may refund and reissue from time to time in one or in separate series its sewer bonds or notes. All sewer bonds, notes or other evidences of indebtedness shall have inscribed upon their face "Portland Water District" and "Sewer Bond" and shall be executed as the board of trustees shall determine.

All such sewer bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of the Revised Statutes, Title 30, section 5053, and all provisions of said section shall be applicable thereto.

All sewer bonds, notes and evidences of indebtedness issued by said district pursuant to this Act shall be legal investments for savings banks in the State of Maine, and shall be tax exempt.

Unless and until such time as a governmental agency of the State of Maine shall be given general jurisdiction to oversee the borrowing activities of sewer district, the district is authorized to issue its sewer bonds, notes and evidences of indebtedness pursuant to this Act without the approval of any governmental agency.

Sec. 9. Governmental grants and loans. The district is authorized to enter into agreements with federal, state and local governments or any agency thereof, or any corporation, commission or board authorized by federal, state or local governments to grant or loan money to or otherwise assist in the financing of projects for accomplishing said waste water and sewage purposes, and to accept grants and borrow money from any such government, agency, corporation, commission or board as may be necessary or desirable for the purposes of this Act.

Sec. 10. Determination of annual costs. The fiscal year of the district shall be the calendar year, and the Trustees shall, prior to January 31st of each year following the acceptance of this Act, determine the total anticipated amount necessary to be raised from the participating municipalities to provide for the operation of the waste water and sewage system for that calendar year.

Said amount shall be the total of (i) regional costs, (ii) maintenance and financing costs and (iii) operating costs less (iv) with respect to regional costs any funds on hand or in the judgment of the trustees to be received during said year from other than the participating municipalities and available to pay regional costs, and (v) with respect to maintenance and financing costs and operating costs, funds on hand or in the judgment of the Trustees to be received during said year from other than participating municipalities and available to pay financing and maintenance costs and operating costs, as the case may be. As used in this Act the following terms shall have the following meanings:

“Regional costs” shall mean all costs and expenses incurred by the district to enable it to become authorized to provide waste water and sewage services on a regional basis, to develop and prepare a regional plan for treatment and disposal of waste water and sewage, together with all costs incidental thereto and not included in maintenance and financing costs or operating costs;

“Maintenance and financing costs” shall include:

(i) **Current expenses**, namely, the current expenses of repairing and maintaining the waste water and sewage system and all other expenses not otherwise specifically provided herein;

(ii) **Payment of unfunded capital outlay**, namely, capital outlay items the cost of which is not to be funded or paid from the proceeds of a government grant or other donation;

(iii) **Payment of interest**, namely, interest due and payable in such year on indebtedness created or assumed by the district in providing a waste water and sewage system, exclusive of interest on temporary notes in anticipation of assessments;

(iv) **Payment of principal**, namely, principal due and payable in such year on indebtedness created or assumed by the district in providing a waste water and sewage system and not to be refunded and for the pay-

ment of which indebtedness funds are not in the judgment of the Trustees otherwise available; and

(v) **Sinking fund payments**, namely, a sum equal to not less than 2% nor more than 5% of (a) that portion of the final installment of any issue of serial sewer bonds or notes created or assumed by the district, in connection with its waste water and sewage system, which, for any such issue exceeds the average annual payment of principal paid or payable thereon in each year except the last and (b) the amount of principal of any term bonds assumed or issued by the district, and which shall be turned into a separate sinking fund and there kept together with any earnings on said sinking fund to provide for the extinguishment of that portion of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district resulting from its waste water and sewage system, and meanwhile may be invested in such securities as savings banks in the State of Maine are now or hereafter allowed to hold;

“Operating costs” shall include :

(i) **Operating expenses**, namely, the current expenses of operating the waste water and sewage system; and including interest on notes issued in anticipation of assessments;

(ii) **Deficit**, namely, any deficit incurred in the operation of said waste water and sewage system outstanding at the end of the prior calendar year for the payment of which funds are not, or in the judgment of the trustees will not, be available in the calendar year.

If a surplus exists at the end of a calendar year, it shall be transferred to a surplus account which at no time shall exceed 3% of the net book value of the assets of the district attributable to the waste water and sewage system. The trustees may add to the sinking fund so much of any excess over said 3% as they determine advisable, and any remainder shall be credited against sums otherwise to be assessed upon the participating municipalities on an equitable basis.

Sec. 11. Apportionment of annual costs; annual sewer assessments to municipalities; obligation of municipalities to pay same. The trustees shall annually apportion the amount determined under section 10 hereof among the participating municipalities on the following basis :

(a) **Regional costs.**

(i) All the regional costs shall be apportioned among all the participating municipalities, one-half according to the ratio of their respective populations to the total population of all the participating municipalities, according to the latest state or federal census, and the remainder according to the ratio of the state valuation of each participating municipality to the total state valuation of all participating municipalities.

(b) **Apportionment of maintenance and financing costs.**

(i) All maintenance and financing costs of facilities used by only one of the participating municipalities shall be apportioned to such municipality.

(ii) All maintenance and financing costs of any jointly used facility shall be apportioned by the trustees among the participating municipalities using such facility in the ratio of the percentage of use capability of such facility attributed to each participating municipality in the original design of such facility.

When a participating municipality makes first use of a facility which had previously been used by one or more participating municipalities, such participating municipality shall also be assessed for its fair share of the cost to the district of construction and related interest of said jointly used facility which has been previously assessed up to the time of the first use of said facility by such joining municipality. Such additional share shall be determined by the trustees on the same formula set forth in the prior paragraph. The trustees shall apportion said additional share to such joining municipality over a period of years equal to the term for which the original bonded indebtedness was issued, and shall make corresponding annual adjustments in the assessments of the participating municipalities previously using said facility by crediting the amount of said additional share to said participating municipalities in proportion to their respective total payments to the district on account of the cost of construction and related interest of said facility made by said participating municipalities up to the time of first use of such facility by such joining municipality.

(c) Apportionment of operating costs.

(i) All operating costs of facilities used by only one of the participating municipalities shall be apportioned to such municipality.

(ii) All operating costs of any facility jointly used shall be apportioned by the trustees according to the estimated used of such facility to be made by each participating municipality until such jointly used facility has been in operation for one calendar year. Such apportionment shall be based on the engineering estimates prepared for the trustees of the initial use of such facility by each of the participating municipalities. When any jointly used facility shall have been in operation for a calendar year, the apportionment thereafter shall be based upon the measured flow of waste water and sewage entering such jointly used facility during the previous year from each participating municipality making use of such facility.

Until a participating municipality which makes its first use of a facility which had previously been used by one or more other participating municipalities, shall have used such facility for a period of a calendar year, the apportionment of its cost for such use shall be calculated by the trustees from engineering estimates prepared for the trustees of the use by such municipality compared with the use during the prior calendar year by the other participating municipalities, and the remaining costs shall

be apportioned among the participating municipalities previously using such facility on measured flow in the manner described in this Section.

Any participating municipality claiming to be aggrieved by an assessment shall, within 60 days from receipt of said assessment, commence an action in the Superior Court of Cumberland County requesting the review of said assessment or any part thereof. The Superior Court shall hear and determine the cause and shall be authorized to enter such judgments and orders, including the power to remand for further findings, as it shall deem appropriate.

The court may appoint a committee of one or 3 disinterested persons who, having been sworn, shall give such notice as designated by the court, shall hear the parties and shall make a report to the court as soon as practicable, whether the assessment of the trustees should be in whole or in part affirmed or reversed, which, being accepted and judgment thereon entered, shall forthwith be certified to the clerk of the district.

A participating municipality requesting review of any assessment shall, nevertheless, remain obligated to pay and shall pay its said assessment in full within the prescribed times. If the court orders an adjustment in said assessment it shall also prescribe the manner and method by which such adjustment shall be made.

The amount so apportioned for each municipality shall, prior to March 15th in each year, be certified by the trustees to the assessors of each participating municipality. The assessors shall without further vote include the amount so certified in those amounts to be annually raised by municipal tax or assessment. The respective city or town treasurers shall pay the amount so certified to the treasurer of the district in three substantially equal installments on or before June 1st, September 1st and December 1st of that year.

A participating municipality may raise all or a portion of the amounts certified annually by the district through equitable and proportional charges against its inhabitants, corporations and other users of the waste water and sewage system of the district in each such facility.

Sec. 12. Water use and records; billing agency. The district, at cost, shall provide to any participating municipality upon written request, sufficient water use records to enable such municipality to determine sewer rates and charges and for other municipal purposes.

Upon written request from a participating municipality, the district, on a negotiated basis, may undertake to act as agent for such municipality in the rendering and collection of bills to sewer users of such municipality in accordance with the rates and charges determined by such municipality, all of which shall in no way affect the obligation of the municipality to pay its assessment as hereinbefore provided.

Sec. 13. Books and accounts, allocation of charges between water system and sewage system. The trustees shall maintain separate records and accounts for the waste water and sewage system, and shall allocate joint expenses and charges and receipts as between the water system and the waste water and sewage system, all in accordance with generally accepted accounting practices and procedures.

Sec. 14. Right to inspect; rules and regulations; injunctive relief. The officers or agents of the district shall have the right to enter all premises from which any sewer or drain is connected with any part of the system or with any sewage system connecting with the system of the district, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quantity and character of sewage discharged and the manner of discharge; and to enforce the provisions of this Act and the rules and regulations prescribed by the trustees of the district.

The trustees shall, for the proper and reasonable operation of the waste water and sewage system, adopt reasonable rules and regulations relative to the waste water and sewage system, including without limitation, regulations as to the quantity and character of any sewage, drainage or other wastes discharged into any sewage system connecting with the system of the district, but such regulations shall at least meet the minimum standards prescribed by the Water and Air Environmental Improvement Commission. Rules and regulations adopted by the trustees shall be published, from time to time, in suitable form and distributed to the participating municipalities.

The trustees may require industrial pretreatment of wastes discharged into its system or into any system connecting with its system if the trustees determine such wastes may interfere with or cause damage to its waste water and sewage system.

In addition to any other remedy, the Superior Court shall have jurisdiction upon a complaint filed by the district to restrain or enjoin any person, firm, corporation or municipality from committing any act which may damage or impair its waste water and sewage system or which is prohibited by any rule or regulation of the district. It is the intention of the Legislature that the district may seek the injunction set forth in this section without first resorting to any other form of proceedings or procedure as a condition precedent to the granting of such injunction.

Sec. 15. Property tax exempt. Wherever located, the property, both real and personal, rights and franchises, used in connection with said waste water and sewage system shall be forever exempt from taxation.

Sec. 16. Withdrawal. Following the adoption of a regional plan, the clerk of the district shall deliver or cause to be delivered to the municipal clerk of each participating municipality a copy of such regional plan, a statement of the share of the participating municipality of the regional costs set forth in section 10 hereof, and a statement of that portion of the plan which the trustees intend to carry out within such participating municipality to meet the requirements of state and federal water pollution controls and the estimated costs thereof.

Within 90 days of receipt of such plan and statements, a participating municipality may withdraw from the waste water and sewage system authorized by this Act upon approval by a majority of the legal voters of such participating municipality voting at a special election duly called and held for the purpose, in the same manner as the election relating to the approval of this Act. The costs of such election shall be borne by the participating muni-

pality. The result of the vote in such participating municipality shall be declared by the appropriate officials thereof and due certificate thereof shall be forthwith filed by the municipal clerk of such participating municipality with the Secretary of State and with the Trustees of the Portland Water District. Whenever the result so filed shows that a majority of the legal voters of said participating municipality voting at said special election approves withdrawal from the provisions of this Act, it shall take complete effect with respect to such participating municipality approving withdrawal from the waste water and sewage system only upon (i) payment to the district by such participating municipality of its total share of regional costs as stated by the district to the municipality at the time of delivery of the copy of the plan and (ii) the filing with the district of a consent on the part of such participating municipality to pay the full cost of amendments or modifications to such plan occasioned by the withdrawal of such participating municipality. In the event of withdrawal of more than one municipality, each participating municipality shall consent to pay its proportionate cost of such amendments or modifications to the plan, as determined in the manner for allocation of Regional costs under the provisions of section 11 hereof.

If both the City of Portland and the City of South Portland withdraw from this Act in the manner above prescribed, then the authority granted hereunder to the district to create a regional waste water and sewage system shall terminate and each participating municipality shall thereupon pay to the district its total share of regional costs as so stated, and the trustees shall thereafter be authorized to terminate such waste water and sewage system. Upon such termination the clerk of the district shall file a certificate to this effect with the Secretary of State, and upon such filing the authority granted under this Act shall cease.

The district shall assess any participating municipality voting to withdraw from the waste water and sewage system authorized by this Act for its share of the regional costs and its share of the costs of amending or modifying such regional plan in the manner prescribed for the assessment of its share of the regional costs. If the district is compelled to terminate its waste water and sewage system by the withdrawal of Portland and South Portland from said system, it shall have the authority to assess each participating municipality for its share of the regional costs in the manner prescribed herein for assessments.

As used herein the term "regional plan" shall mean a plan prepared under the direction of the Trustees of the Portland Water District for the collection, treatment and disposal of waste water and sewage within the participating municipalities. As soon as possible after it is determined which municipalities shall participate in this Act, the trustees of the district shall undertake to arrange for the preparation of such regional plan.

Sec. 17. Emergency clause; effective date; referendum; certificates to Secretary of State. In view of the emergency cited in the preamble, this Act shall take effect when approved by the Legislature and signed by the Governor, only for the purpose of permitting its submission to the legal voters of

the Cities of Portland and South Portland at special elections called and held for such purpose. The dates of said elections for the Cities of Portland and South Portland shall be determined by the respective city councils of said cities, but such elections shall not be held later than 60 days after the date this Act is signed by the Governor.

The result of the vote in said Cities of Portland and South Portland shall be declared by the appropriate officials of the respective cities and due certificates thereof shall be forthwith filed by the respective city clerks with the Secretary of State and with the Trustees of the Portland Water District; and if the result so filed shows that a majority of the legal voters of the City of Portland voting at said special election and a majority of the legal voters of the City of South Portland voting at said special election approve this Act, the Trustees of the Portland Water District shall forthwith certify the same to be so by causing the clerk of said district to file a certificate with the Secretary of State and with the city clerks of the Cities of Portland, South Portland and Westbrook and the town clerks of the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham.

Upon such approval by both the Cities of Portland and South Portland, all the provisions of this Act shall thereupon take effect as to the Cities of Portland and South Portland. Upon the failure of either of the Cities of Portland and South Portland to approve this Act, it shall become null and void.

The Act shall further take effect upon its approval by both the Cities of Portland and South Portland for the purpose of permitting its submission to the legal voters of the City of Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham, at special elections called and held for said purpose in said City of Westbrook and each of said towns. The dates of said elections shall be determined by the City Council of the City of Westbrook and by the respective municipal officers of each of said towns, but such elections shall be not earlier than 60 days after this Act is signed by the Governor, nor later than 120 days after this Act is signed by the Governor.

The result of the vote of the City of Westbrook and in each of the towns shall be declared by the appropriate officials of said city and towns and due certificates thereof shall be forthwith filed by the City Clerk of the City of Westbrook and the respective town clerks with the Secretary of State and with the Trustees of the Portland Water District, and whenever the result so filed shows that a majority of the legal voters of said city or of any of said towns voting at said special elections approves this Act, it shall take complete effect with respect to each of said city and towns so approving this Act.

Every special election held in the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Scarborough, Standish and Windham for the purpose of approving this Act shall be called, advertised and conducted according to the law relating to municipal elections; provided, however, that the registrar of voters or

board of registration, as the case may be, of each city and town shall not be required to prepare nor shall the respective city clerks or town clerks be required to post a new list of voters for this purpose. The registrar of voters or board of registration, as the case may be, in each of said cities and towns shall be in session for 3 secular days next preceding the date set for said special elections in said cities or towns.

Each city and town shall vote only once on the acceptance of this Act.

In the case of each town (and not in the Cities of Portland, South Portland and Westbrook), a public hearing shall be held by the municipal officers on the subject of the election at least 10 days before the date for voting thereon. Notice of such public hearing shall be given by the municipal officers by causing a copy of the ballot together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a town meeting, at least 7 days before the date set for such hearing, and a return shall be made on the original notice by the municipal officers stating the manner of notice and the time when it was given.

The respective city and town clerks shall prepare the required ballots on which they shall reduce the subject matter of this Act to the following question: "Shall the Act authorizing the Portland Water District to engage in waste water and sewage services, passed by the 104th Legislature, be accepted?" The voters shall indicate their opinion of the same by a cross or check mark placed against the words "Yes" or "No".