

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1802

H. P. 1345

House of Representatives, April 3, 1975

On Motion of Mr. Bustin of Augusta, referred to Committee on Public Utilities. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Najarian of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Codify the Charter of the Portland Water District.

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

P&SL 1907 c. 433, as amended, is repealed and the following enacted in place thereof:

Sec. 1. Territory. The territory and people of the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham and Windham shall constitute the public municipal corporation named the Portland Water District.

Sec. 2. Authority.

A. The district is authorized to supply 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 said municipalities with pure water for domestic, sanitary and municipal services. The district is further authorized to sell water to the Yarmouth Water District and the North Yarmouth Water District. The district for the purposes of its incorporation is hereby authorized to take, hold, divert, use and distribute water from Sebago Lake, Chafin Pond, its existing well sites in Cumberland, Windham and the Steep Falls section of Standish in addition to any other available source within its territory.

B. The district 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 for the handling of storm or surface waters

entering a combined municipal sewer system, all as collected by the municipalities of the Cities of Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Standish and Windham, hereinafter referred to as the "participating municipalities", all for the purpose of providing treatment facilities, trunk sewers, interceptor lines, force mains, outfalls, 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 for the purposes 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, which occurred on November 8, 1971, and except for any waste water and sewage facilities to be constructed within any participating municipality for which proposed construction plans had been approved by the appropriate governmental agencies or bids have been invited or construction contracts have been awarded or municipal financing of such construction has been finally authorized by such participating municipality prior to such date.

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, including municipal corporations, upon such terms as may be agreed to manage, operate, construct and maintain waste water and sewage collection and treatment systems.

C. The district is authorized whenever the trustees of the district deem it necessary for the purpose of maintaining and preserving the purity of Sebago Lake to construct, maintain, operate and provide a waste water and sewage system for the collection, treatment and disposal of all waste water and sewage and incidental storm and surface water drainage within the watershed area of Sebago Lake lying within the Towns of Casco, Naples, Raymond, Sebago, Standish and Windham.

Sec. 3. Authority to erect. The district is authorized for the purposes of its incorporation to erect and maintain all dams, reservoirs and other structures necessary and convenient for the supplying of said pure water for domestic, sanitary and municipal purposes. In addition, the district is authorized to receive, hold, transmit, treat, purify, discharge and dispose of all 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 municipality. All incidental powers, rights, and privileges necessary to the accomplishment of the objects herein set forth are granted to the district.

In addition, the district is authorized to take, collect, hold, transmit, treat, purify, discharge and dispose of all waste water and sewage within the watershed area defined in section 2, paragraph C and all incidental powers, rights and privileges necessary to the accomplishment of the objects herein set forth are granted to the district. Before the district constructs, maintains or operates any facilities in furtherance of the authority granted pursuant to section 2, paragraph C, within said watershed area, the district shall first obtain the approval of a plurality of the legal voters at a referendum of the municipality and municipalities to be served by such facilities, prior to the initial construction in any of such municipality and municipalities. After such approval, the district shall not be required to obtain any additional approval from such inhabitants or their governing body prior to any such construction, maintenance or operation.

Sec. 4. 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, aqueducts, lines, drains, conduits, interceptor lines, trunk sewers, force mains, outfalls, outlets, and fixtures and appurtenances and to construct, operate, maintain and replace such pure water, disposal, treatment and purification facilities and appurtenances, as may be necessary and convenient for the district in carrying out the foregoing powers.

Sec. 5. 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, Windham, Casco, Naples, Raymond and Sebago, for water or sewer purposes, it shall cause the same to be done with as little obstruction as possible to the public travel, and shall cause the earth and pavement removed by it to be replaced in proper condition without unnecessary delay.

Sec. 6. 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, Windham, Casco, Naples, Raymond and Sebago 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 all of the purposes herein stated.

In exercising any rights of eminent domain that are conferred upon it, the district shall provide for a hearing to determine the necessity of such taking and the damages sustained by the owner of the land or interest in land to be taken. Notice of the time and place of such hearing shall be given by personal service upon the record owner or owners of the land or interest in land to be taken. If such owner or owners cannot be served personally by due diligence, then such service shall be made by certified mail to the last known address and by publication in a newspaper of general circulation in the municipality in which such land is located once a week for 2 weeks prior to the time appointed for said hearing. The clerk of the district shall keep an accurate record of the proceedings and the determination and decision. If the trustees decide to acquire such land or interest in land, the clerk of the district shall file a notice in the registry of deeds stating that the land or interest in land shall be taken, which notice shall contain an adequate description of the property, the owners thereof, if known, and the amount of damages awarded therefor. Upon the filing of said notice, the title to the land or interest in land shall vest in the district.

If any person sustaining damages by any taking as aforesaid shall not agree with the trustees of said district upon the sum to be paid therefor, either party, within 45 days of the filing of such notice in the registry of deeds, upon petition to the Land Damage Board, may have said damages assessed by them. The expenses of the board in connection with any such determination shall be paid for by the district. The procedure and all subsequent proceedings and the rights of appeal thereon shall be had under the same restrictions, conditions and limitations as are or may be prescribed in the case of damages by laying out of highways.

Sec. 7. Crossing a public utility. In case of a crossing of any land, interest in land or water right owned by a company operating any public utility, for any of the purposes herein contained, unless written 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. 8. Authorized to acquire property of municipalities devoted to sewage system. The district is authorized to acquire, otherwise than by eminent domain, all or part of the waste water and sewage facilities existing or for which proposed construction plans had been approved all as of November 8, 1971, including but not limited to, pumping stations, treatment plants, interceptor lines, trunk sewers, force mains and outfalls 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 in-

debtedness 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. 9. Authorized to borrow money to issue bonds and notes. 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 any of the purposes set forth in this Act, including any necessary expenses and liabilities in acquiring properties, renovating properties, laying pipes, aqueducts, conduits, drains, interceptor lines, trunk sewers, force mains, outfalls, construction of treatment plants, laboratories and other water and waste water and sewer facilities and for making renewals, additions, extensions and improvements, any of the regional costs as defined in section 12, the establishment of a reasonable reserve for future payments of debt service, and for interest on bonds or notes during the period of construction of items of capital outlay to be paid from the proceeds of such bonds or notes and for a period not exceeding one year thereafter. For the purpose of the preceding sentence a reasonable reserve for future payment of debt services shall be deemed to mean a reserve, the amount of which shall not in the case of an issue of serial bonds or notes exceed the largest amount of principal and interest payable in any year except the last in which that issue of bonds or notes is outstanding and in the case of any other issue of bonds or notes exceed the lesser of the largest amount of any mandatory sinking fund payment payable on account of the particular issue of bonds or notes in any year except the last in which that issue of bonds or notes is outstanding, or 4% of the original principal amount of that issue plus in each case the largest amount of interest payable on that issue of bonds or notes in any such year.

Said 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. Said bonds or notes may be issued to mature serially, in annual installments of principal, no one of which shall exceed by more than 25% any earlier installment and the first of which shall be payable not later than 3 years from the date of such bonds or notes and the last of which shall be payable not later than 40 years from said date. Said bonds or notes may also 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 bonds may be callable with or without premium and shall contain such terms and conditions, be sold in such manner, at public or private sale, with or without provisions for prepayment in advance of maturity, at par, at a discount or at a premium, all as the trustees shall determine. The trustees may determine or may authorize the treasurer or a committee of 2 or more trustees to determine the selling price and rate or rates of interest to be paid on bonds or notes and, if specifically authorized by the trustees, the rate of interest may vary.

If the trustees vote to issue bonds or notes, the trustees may authorize the issuance, in the name of the district, of temporary notes for a period not to exceed 3 years in anticipation of the money to be received from the sale of such bonds or notes. The time within which such temporary notes shall be payable need not be included in determining the period for which 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 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 revenues or assessments levied or to be levied against the participating municipalities.

The district may refund from time to time in one or in separate series its bonds, notes or other evidences of indebtedness provided, however, no refunding shall be earlier than 6 years before the maturity or earliest date of redemption of the bonds or notes to be refunded and provided further that pending the payment of the refunded bonds or notes, the proceeds of the refunding bonds or notes shall be held in trust and invested only in securities issued or guaranteed by the United States of America which mature not later than the maturity or redemption date of the bonds or notes to be refunded. All water bonds shall have inscribed upon their face "Portland Water District" and "Water Bond" and shall be executed as the trustees shall determine. All sewer bonds shall have inscribed upon their face "Portland Water District" and "Sewer Bond" and shall be executed as the trustees shall determine. All bonds issued in the exercise of the authorization of section 2, paragraph C, shall have inscribed upon their face "Portland Water District" and "Purification" and shall be executed as the trustees shall determine.

All such 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 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 exempt from Maine income tax.

Sec. 10. 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 any of the purposes of this Act, 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.

In addition to the authority granted in section 9, the district may borrow by the issuance of temporary notes in anticipation of the receipt of the proceeds of any such grant, provided, however, that said notes shall not

be issued for longer than one year but may be reserved by the issuance of other notes until receipt of the grant in anticipation of which such notes are issued and provided further that payments on account of such grant when received shall be held in a separate account and used only to pay such notes to the extent then outstanding.

Sec. 11. Water rates. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said trustees for the water used by them, but said rates shall be uniform within the territory supplied by the district wherever the installation and maintenance of mains and the cost of service is substantially uniform, but nothing herein shall preclude the district from establishing higher rates where for any reason its costs exceed the average but such higher rates shall be uniform throughout the section where they apply. Said rates shall be so established as to provide revenue for the water system for the following purposes.

A. To pay the current expenses of the district.

B. To provide for the payment of the interest on the indebtedness created or assumed by the district for water purposes.

C. To provide each year a sum equal to not less than one nor more than 5% of the entire indebtedness created or assumed by the district, for the water system, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of such indebtedness, or, if serial bonds or notes are issued for water purposes, to pay the principal of such bonds or notes payable in such year. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

To provide an earned surplus reserve which may build up to an amount not greater than 50% of its total current expenses of the immediately preceding calendar year attributable to the water system.

Sec. 12. Determination of annual sewer costs. The fiscal year of the district for the waste water and sewage operations shall be the calendar year ending on December 31st, and the trustees shall, prior to January 15th of each year in which any portion of the waste water and sewage system is in operation, determine the total anticipated amount to be raised from the participating municipalities based on the trustees' best estimate to provide for the operation of the waste water and sewage system for that fiscal year and such amount shall be apportioned as provided in section 13. The amounts so apportioned for each municipality shall prior to March 15th in each year be certified by the trustees to the appropriate municipal officials of each participating municipality. If it became obvious during any succeeding quarter of the operating year that the assessment was erroneous, a revised budget would be submitted and contemplated by the municipalities so affected and the adjusted amount billed thereafter. The assessors shall without further vote include the amount so certified in those amounts to be raised in the subject calendar year by municipal tax or assessment. The respective city or town treasurers shall pay the amount so certified to

the treasurer of the district in substantially equal monthly installments with the first monthly installment to be payable in January after receipt of such certification.

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 municipality.

The amount anticipated to be raised in a fiscal year and apportioned as hereinafter set forth shall be the total of regional costs, financing costs and operating and maintenance costs less, 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 with respect to financing costs and operating and maintenance 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 costs and operating and maintenance costs, as the case may be. As used in this Act the following terms shall have the following meanings.

A. "Regional costs" shall mean all costs, except the costs of construction design and the costs of acquiring real estate and interests therein, together with all incidental expenses pursuant to such costs, until the actual construction or acquisition of operating facilities is initiated and all such costs shall be considered as organization and development costs and to be allocated to the fixed capital of the entire waste water and sewage system. The accounting for such regional costs shall be in accordance with generally accepted accounting practices.

B. "Financing costs" shall include:

(1) 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;

(2) 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;

(3) 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 payment of which indebtedness funds are not in the judgment of the trustees otherwise available; and

(4) Sinking fund payments: Namely, a sum equal to not less than 2% nor more than 5% of 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 the amount of principal of any

term bonds assumed or issued by the district for said waste water and sewage system, 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.

C. "Operating and maintenance costs" shall include:

- (1) Operating expenses, namely, the current expenses of operating the waste water and sewage system; and including interest on notes issued in anticipation of assessments;
- (2) 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; and
- (3) 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.

If a surplus exists at the end of a calendar year, it shall be transferred to a sewer 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. 13. 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 12 among the participating municipalities on the following basis.

A. Regional costs.

- (1) All the regional costs shall be apportioned among all the participating municipalities, $\frac{1}{2}$ 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 financing costs.

- (1) All financing costs of facilities used by only one of the participating municipalities shall be apportioned to such municipality.
- (2) All 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.

If a facility was designed and constructed as a jointly used facility and a municipality for which such facility was in part constructed does not use such facility within 5 years of the completion of its construction, the trustees may apportion a fair allocation of the design and construction costs and add it to such municipality's allocation or make a separate change therefor and such municipality shall pay such amount to the district within 180 days of its billing by the district.

Any participating municipality shall have the right to prepay any portion of the original bonded indebtedness allocable to such participating municipality.

C. Apportionment of operating and maintenance costs.

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

(2) All operating and maintenance costs of any facility jointly used shall be apportioned by the trustees according to the estimated use 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 and, if necessary, estimates or measurements of pollutant loadings, 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 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, commission or agency orders an adjustment in said assessment it shall also prescribe the manner and method by which such adjustment shall be made.

Sec. 14. 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. 15. Allocation of charges between water system and waste water and sewage system. The trustees shall maintain records and accounts in such a manner that all costs and charges are clearly defined as between the water system and the waste water and sewage systems, all in accordance with generally accepted accounting practices and procedures.

Sec. 16. 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 water system and the waste water and sewage system, adopt reasonable rules and regulations relative to the water system and 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 Department of Environmental Protection and applicable plumbing codes. 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 sewer 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. 17. 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. 18. Board of trustees. The affairs of the district shall be managed by a board of trustees composed of 9 members, 4 of whom shall be elected by a plurality of voters of the City of Portland, 2 by a plurality of the voters of the City of South Portland, one by a plurality of the voters of the City of Westbrook, one by a plurality of the voters of the Towns of Gorham and Cape Elizabeth and one by a plurality of the voters of the Towns of Cumberland, Falmouth and Windham.

Trustees shall be elected at elections to be specially called and held in each municipality on the 4th Tuesday of May of each year for a term of 5 years. The cost of such elections shall be paid for by the district. In the event any such election shall result in a tie vote, the other trustees shall select the person who shall become a trustee.

Such special elections and the nominations therefor shall be called, advertised and conducted according to the law relating to municipal elections, provided that the boards of registration in said cities and towns shall not

be required to prepare or post a new list of voters, but for the purpose of registration, said boards shall be in session the 3 business days next preceding such election.

If any vacancy arises in the membership of the trustees, it shall be filled by a special election to be called in the city or the town wherein such election is to be held. When any trustee ceases to be a resident of the city or the area of towns from which he was elected, he vacates such trusteeship. All such trustees shall be eligible for reelection, but no person holding state, county or municipal office shall be eligible for election as trustee. Each trustee shall receive in full compensation for his services, the sum of \$1,200 annually.

Sec. 19. Officers. The trustees shall elect a president, a vice-president, a treasurer and a clerk together with such other officers and agents as they deem necessary for the proper conduct of their affairs. The trustees may establish and from time to time amend such bylaws as are necessary for the proper management of its affairs.

Sec. 20. Taxation upon default. If there should be a default in the payment of principal and interest of any note, bond or other evidence of indebtedness issued for water purposes, the trustees may issue their warrant immediately thereafter, such warrant to be in form reasonably similar to that of the warrant used by the Treasurer of State for real estate taxes, to the municipalities which constitute the district. The assessors in each municipality shall assess the sum allocated to such municipality in such warrant for payment of such sum, upon the taxable polls and estate within said municipality and shall commit their assessment to the constable or collector of said municipality, who shall have all authority, powers and duty to collect said taxes as is vested by law to collect state, county and municipal taxes. Such allocations shall be made by the trustees on the basis of the proportion of the gross operating revenues of the district for the calendar year preceding the year in which said warrant is issued from each of such municipality bears to the total amount of gross operating revenues of the district from all the municipalities which constitute the district. Within 30 days after the date fixed by the municipalities on which their taxes are due, the treasurer of said municipality shall pay the amount of the tax so assessed to the treasurer of the district.

Sec. 21. Annual report. After the close of each fiscal year, the trustees shall cause to be made a detailed report of the district's receipts and expenditures, of its financial and physical condition and of such other matters as the trustees deem necessary. Such annual report shall be filed with the municipal officers of each municipality to which the district serves water or engages in waste water and sewage service.

STATEMENT OF FACT

The purpose of this bill is to codify the charter of the Portland Water District to modernize the charter.