

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2367

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H.P. 1724                      House of Representatives, February 26, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Utilities suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative WEBSTER of Cape Elizabeth.  
Cosponsored by Representative BROWN of Gorham, Senators  
GILL of Cumberland and USHER of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1                      **AN ACT to Amend the Charter of the Portland**  
2    **Water District.**  
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4                      **Emergency preamble.**                      Whereas, Acts of the  
5 Legislature do not become effective until 90 days  
6 after adjournment unless enacted as emergencies; and

7                      Whereas, the existing charter of the Portland  
8 Water District provides for the election of trustees  
9 to be held usually on the 4th Tuesday of May; and

1           Whereas, the Town of Cape Elizabeth conducts its  
2 municipal election during the month of May; and

3           Whereas, the statewide primary is conducted on the  
4 2nd Tuesday in June, and if the date the district  
5 election is not changed, it will be necessary to  
6 conduct 3 elections in the Town of Cape Elizabeth  
7 within a 6-week period; and

8           Whereas, the trustee who represents the Town of  
9 Cape Elizabeth also represents the Town of Gorham and  
10 it would be inappropriate for the district election  
11 from the area to be coterminous with the municipal  
12 election of the Town of Cape Elizabeth; and

13           Whereas, in the judgment of the Legislature, these  
14 facts create an emergency within the meaning of the  
15 Constitution of Maine and require the following  
16 legislation as immediately necessary for the  
17 preservation of the public peace, health and safety;  
18 now, therefore,

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

21           **Sec. 1. P&SL 1907, c. 433, §18, 2nd ¶, as**  
22 **amended by P&SL 1981, c. 10, §1, is repealed and the**  
23 **following enacted in its place:**

24           Trustees shall be elected for the term of 5 years  
25 at elections to be specially called and held in each  
26 municipality on the 4th Tuesday of May of each year or  
27 as hereinafter described. When there is a trustee to  
28 be elected by the voters of the Cities of Portland or  
29 South Portland, or both, and when either city is  
30 holding its own election of municipal officers in May,  
31 the election of the trustee to represent each city  
32 shall be held concurrently with the municipal  
33 election, and the city and the district shall equally  
34 share the cost of that municipal election. When there  
35 is a trustee to be elected to represent 2 or more  
36 municipalities and there is not a mutually coincident  
37 election in May within those municipalities, then the  
38 election of the trustee to represent such area shall

1 be held concurrently with the statewide primary in  
2 June. In the years in which there is no statewide  
3 primary, the trustee election shall be held on the 2nd  
4 Tuesday in June. Costs for elections held  
5 concurrently with the state primary or municipal  
6 elections shall be divided between the municipality or  
7 state and the district. When there is a division of  
8 costs, the district shall be responsible for all costs  
9 attributable to the district's share of the election.  
10 Costs for an election held solely for the election of  
11 the district's trustee shall be paid by the district.  
12 In the event that any such election for a trustee  
13 results in a tie vote, the other trustees shall select  
14 the person who shall become a trustee.

15           Sec. 2. P&SL 1907, c. 433, §18, 3rd ¶, last  
16 sentence, as amended by PL 1981, c. 10, §2, is  
17 repealed and the following enacted in its place:

18 Nomination papers shall be submitted to each municipal  
19 clerk of the municipalities within that area during  
20 business hours on or before the 21st day next prior to  
21 the day of election, except in any municipality when  
22 the election is being held concurrently with any other  
23 election in which event the submission of nomination  
24 papers shall be coterminous with such other filing  
25 date.

26           **Emergency clause.** In view of the emergency  
27 cited in the preamble, this Act shall take effect when  
28 approved.

29   STATEMENT OF FACT

30           The purpose of this bill is to amend the Portland  
31 Water District's charter to allow the holding of  
32 elections of the district's trustees with other  
33 elections being held in the municipalities  
34 constituting the district.

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