

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 712

S.P. 254

Received by the Secretary, February 19, 1991

Reference to the Committee on Utilities suggested and ordered printed.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRANNIGAN of Cumberland

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend the Charter of the Portland Water District.



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

2
4 Sec. 1. P&SL 1907, c. 433, §16, as repealed and replaced by P&SL
6 1975, c. 84, is amended by adding at the end a new paragraph to
8 read:

10 Any user of the wastewater system who violates any provision of
12 the laws administered by the district pertaining to pretreatment
14 standards and requirements, including without limitation a
16 violation of the terms or conditions of any rule or regulation of
18 the district pertaining to pretreatment standards and
20 requirements, is subject to a civil penalty payable to the
22 district of not less than \$1,000 nor more than \$2,000 for each
24 day of that violation. The district may recover the civil
26 penalty by civil action in the District Court or Superior Court.

28 Sec. 2. P&SL 1907, c. 433, §18, 2nd ¶, as repealed and replaced
30 by P&SL 1987, c. 97, §1, is amended to read:

32 Trustees shall ~~be~~ are elected for the term of 5 years at
34 elections to be specially called and held in each municipality on
36 the 4th Tuesday of May of each year or as hereinafter described
38 in this paragraph. When there is a trustee to be elected by the
40 voters of the Cities of Portland, Westbrook or South Portland, or
42 ~~both all of these cities~~, and when ~~either city~~ any of these
44 cities is holding its own election of municipal officers in May,
46 the election of the trustee to represent each city shall ~~must~~ be
48 held concurrently with the municipal election, and the city and
the district shall equally share the cost of that municipal
election. When there is a trustee to be elected to represent 2
or more municipalities and there is a mutually coincident
municipal election within those municipalities in the month of
May, the election of the trustee shall ~~must~~ be held on that same
day. When there is not a mutually coincident election in May
within those municipalities, then the election of the trustee to
represent that area shall ~~must~~ be held concurrently with the
statewide primary in June. In the years in which there is no
statewide primary, the trustee election in those municipalities
shall ~~must~~ be held on the 2nd Tuesday in June. Costs for
elections held concurrently with the state primary or municipal
elections shall ~~be~~ are divided between the municipality or state
and the district. When there is a division of costs, the
district shall ~~be~~ is responsible for all costs attributable to
the district's share of the election. Costs for an election held
solely for the election of the district's trustee shall ~~be~~ are
paid by the district. In the event that any such election for a
trustee results in a tie vote, the other trustees shall select
the person who shall become a trustee.

50 Sec. 3. P&SL 1907, c. 433, §18, 3rd ¶, last sentence, as repealed
52 and replaced by P&SL 1987, c. 97, §2, is repealed and the
following enacted in its place:

2 Nomination papers must be submitted to each municipal clerk of
4 the municipalities in that area coterminously with the municipal
filing date.

6 Sec. 4. P&SL 1907, c. 433, §18, 5th ¶, as enacted by P&SL 1977,
8 c. 48, §9, is amended by adding at the end a new sentence to read:

10 In the alternative, the municipality may prepare ballots or, if
voting machines are used, ballot labels in accordance with the
12 law governing municipal elections.

14 Sec. 5. P&SL 1913, c. 157, §2, first sentence, as amended by P&SL
1975, c. 132, §1, is further amended to read:

16 ~~No~~ A person shall may not bathe or ice fish in the waters of
18 Sebago Lake within 2 miles of the intakes of the Portland Water
District, nor shall may any person wash linen or other articles
of personal apparel in the waters of said the lake.

20

22 STATEMENT OF FACT

24 This bill amends the Charter of the Portland Water District
26 to give the district the authority it is required to have under
federal regulations to seek or assess civil penalties against
28 users of the wastewater system who violate wastewater treatment
standards. The bill also makes some technical changes to the
30 district's charter relating to trustee elections and amends a law
concerning Sebago Lake to protect the quality of water in the
lake by prohibiting ice fishing in a small portion of the lake
32 near the district's intake pipe.