

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2344

H.P. 1668

House of Representatives, February 13, 1992

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.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KONTOS of Windham.

Cosponsored by Representative PENDLETON of Scarborough, Representative ADAMS of Portland and Senator BRANNIGAN of Cumberland.

STATE OF MAINE

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

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

(AFTER DEADLINE)

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, the Portland Water District is a public municipal
6 corporation organized and existing under the laws of the State;
and

8
Whereas, the Portland Water District is authorized to
10 provide water to the inhabitants of the Town of Scarborough and
serves portions of the Town of Scarborough; and

12
Whereas, the Town of Scarborough is not represented on the
14 Board of Trustees of the Portland Water District; and

16
Whereas, the Town of Scarborough desires to be represented
on the Board of Trustees of the Portland Water District; and

18
Whereas, expanding the Board of Trustees of the Portland
20 Water District will result in the inhabitants of the district
being more proportionally represented on the board; and

22
Whereas, in the judgment of the Legislature, these facts
24 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
26 necessary for the preservation of the public peace, health and
safety; now, therefore,

28
Be it enacted by the People of the State of Maine as follows:

30
Sec. 1. P&SL 1907, c. 433, §1, as repealed and replaced by P&SL
32 1975, c. 84, is amended to read:

34
Sec. 1. Territory. The territory and people of the Cities of
Portland, South Portland and Westbrook and the Towns of Cape
36 Elizabeth, Cumberland, Falmouth, Gorham, Scarborough and Windham
shall constitute the public municipal corporation named the
38 Portland Water District.

40
Sec. 2. P&SL 1907, c. 433, §18, first ¶, as repealed and replaced
by P&SL 1975, c. 84, is amended to read:

42
Sec. 18. Board of trustees. The affairs of the district shall
44 be are managed by a board of trustees composed of 9 11 members, 4
of whom shall ~~be~~ are elected by a plurality of voters of the City
46 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
48 Westbrook, ~~one~~ 2 by a plurality of the voters of the Towns of
Gorham, Scarborough and Cape Elizabeth and ~~one~~ 2 by a

2 plurality of the voters of the Towns of Cumberland, Falmouth and
Windham.

4 **Sec. 3. P&SL 1907, c. 433, §18, 3rd ¶**, as amended by PL 1991, c.
12, is further amended to read:

6
8 All nominations of candidates to be elected from the cities of
Portland, South Portland and Westbrook ~~shall~~ must be made by
10 nomination papers signed in the aggregate for each candidate by
not less than 100 nor more than 150 qualified voters of such
12 city. All nominations of candidates to be elected from the area
consisting of either Cape Elizabeth, Scarborough and Gorham or
14 Cumberland, Falmouth and Windham ~~shall~~ must be made by nomination
papers signed in the aggregate for each candidate by not less
16 than 75 nor more than 125 of the voters of each of the towns
within ~~such~~ that area. Each voter signing a nomination paper
18 shall make ~~his~~ the voter's signature in person and add to it ~~his~~
the voter's place of residence, and each voter may subscribe to
20 as many nominations as there are trustees to be elected in ~~his~~
the voter's area and no more. Nomination papers must be
22 submitted to each municipal clerk of the municipalities in that
area coterminously with the municipal filing date.

24 **Sec. 4. Election of new members; terms of existing members.** The 2
new members of the Board of Trustees of the Portland Water
26 District authorized by this Act must be elected for their initial
5-year term at elections to be specially called and held in each
28 affected municipality on the date of the statewide primary in
June 1992 in accordance with the procedures contained in Private
30 and Special Law 1975, chapter 84, section 18, as amended. The
existing member of the board representing Cape Elizabeth and
32 Gorham serves the remainder of the 5-year term as the
representative of Cape Elizabeth, Gorham and Scarborough. All
34 other existing members of the board, including the existing
member representing Cumberland, Falmouth and Windham, serve out
36 the remainder of their 5-year terms.

38 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
40

42 STATEMENT OF FACT

44 This bill amends the charter of the Portland Water District
to include the Town of Scarborough within the formal boundaries
46 of the district. The district has been serving in portions of
Scarborough since 1915. This allows Scarborough to have
48 representation on the Board of Trustees of the Portland Water
District.
50

2 The bill also expands the Board of Trustees of the Portland
3 Water District from 9 to 11 members. One new member represents
4 the towns of Cape Elizabeth, Scarborough and Gorham. The 2nd new
5 member represents the towns of Windham, Cumberland and Falmouth.
6 Adding 2 new representatives for these 6 towns reflects changes
7 in population since the last time the board was reorganized in
8 1972.