

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1994

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Legislative Document

No. 1606

H.P. 1198

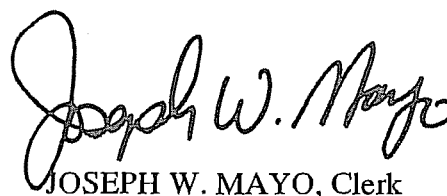
House of Representatives, January 3, 1994

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

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Received by the Clerk of the House on December 29, 1993. Referred to the Committee on  
Utilities and 1200 ordered printed pursuant to Joint Rule 14.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TAYLOR of Cumberland.  
Cosponsored by Representative: KONTOS of Windham.

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

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

8           Whereas, questions have arisen regarding the timing of  
10 elections of trustees of the district, the method of determining  
the district's share of election costs and the eligibility  
12 criteria for trustees; and

14           Whereas, if the charter of the Portland Water District is  
not changed prior to May 1994, these questions will remain  
16 unanswered at the time of the district's elections in May or  
June; and

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

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

26           **Sec. 1.** P&SL 1907, c. 433, §18, 2nd ¶, as amended by P&SL 1991,  
28 c. 12, §2, is repealed and the following enacted in its place:

30           Trustees are elected for a term of 5 years at elections to  
32 be specially called as described in this paragraph. When there  
is a trustee to be elected to represent a single municipality,  
34 the election must be held on the 2nd Tuesday in June unless the  
municipality is holding its municipal election in May, in which  
36 case the election must be held on the same day as the municipal  
election. When there is a trustee to be elected to represent  
38 more than one municipality, the election must be held on the 2nd  
Tuesday in June, unless there is a mutually coincident municipal  
40 election within those municipalities in May, in which case the  
election must be held on the same day as the municipal election,  
42 or unless there is not a mutually coincident municipal election  
within those municipalities and at least one but not all of the  
44 municipalities is holding its municipal election on the 2nd  
Tuesday in June, in which case the election must be held on the  
46 4th Tuesday in May. Costs for a trustee election held  
concurrently with a federal, state or municipal election must be  
48 divided between the municipality and the district. When there is  
a division of costs, the district is responsible for the costs  
proportional to the total number of offices and referenda being

2 voted upon at the election. Costs for an election held solely  
3 for the election of the district's trustee are paid by the  
4 district. When an election for a trustee results in a tie vote,  
5 the other trustees shall select the person who becomes a trustee.

6 **Sec. 2. P&SL 1907, c. 433, §18, last ¶,** as enacted by P&SL 1975,  
7 c. 84, is amended by inserting before the last sentence a new  
8 sentence to read:

10 For the purposes of this paragraph, a person holding a municipal  
11 office is a municipal officer as defined in the Maine Revised  
12 Statutes, Title 30-A, section 2001, subsection 10 or a full-time  
13 municipal employee who has authority to exercise significant  
14 policymaking or financial responsibility on behalf of the  
15 municipality.

16 **Sec. 3. Costs not funded.** Notwithstanding the Maine Revised  
17 Statutes, Title 30-A, section 5684, any requirements of this Act  
18 that result in additional costs to local or county government are  
19 not state mandates subject to that section and the State is not  
20 required to fund those costs.

21 **Emergency clause.** In view of the emergency cited in the  
22 preamble, this Act takes effect when approved.  
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### STATEMENT OF FACT

This bill amends the charter of the Portland Water District to clarify the procedures for election of trustees. Specifically, in single-municipality voting districts, including the cities of Portland, South Portland and Westbrook, the election must be held on the 2nd Tuesday of June unless the municipality is holding municipal elections in May, in which case the election must be held on that day. In multi-municipality voting districts, including the towns of Cape Elizabeth, Scarborough, Gorham, Windham, Falmouth and Cumberland, the election must be held on the 2nd Tuesday in June unless all municipalities within the voting district are holding municipal elections coincidentally on the same day in May, in which case the election of trustees must be held on that day; or unless there is not a mutually coincident date for municipal elections and at least one but not all of the municipalities is holding municipal elections on the 2nd Tuesday in June, in which case the election must be held on the 4th Tuesday in May. The bill also provides that the district shall share in the costs of the election in proportion to the number of offices and referenda being voted upon at the election. Finally, the bill defines a

2 person holding municipal office for purposes of determining  
3 eligibility to serve as a trustee.

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10 This document has not yet been reviewed to determine the  
11 need for cross-reference, stylistic and other technical  
12 amendments to conform existing law to current drafting standards.

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