

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 724

H.P. 533

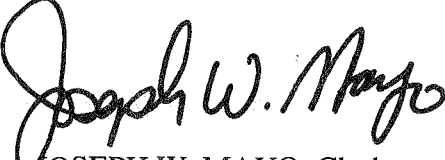
House of Representatives, February 4, 1997

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

(EMERGENCY)

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative TAYLOR of Cumberland.  
Cosponsored by Senator BUTLAND of Cumberland and  
Representatives: CIANCHETTE of South Portland, GIERINGER of Portland, KONTOS of  
Windham, MARVIN of Cape Elizabeth, ROWE of Portland, SAXL of Portland, Senators:  
AMERO of Cumberland, RAND of Cumberland.

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 municipal  
6 corporation organized and existing under the laws of the State;  
and

8           Whereas, the Portland Water District, at the request of the  
10 municipal clerks of a number of the municipalities constituting  
the district, desires to change the trustee election dates to  
12 coincide with the regular municipal elections held in such  
communities; and

14           Whereas, as an accommodation to the municipalities, the  
16 Portland Water District desires to have these changes effective  
prior to June 1997 to preclude the necessity of special elections  
18 in the Town of Cape Elizabeth, the Town of Gorham and the Town of  
Scarborough solely for the purpose of electing a trustee of the  
20 district; and

22           Whereas, in response to a request from the City of Portland,  
the Portland Water District desires to expand the authority  
24 granted in its charter to allow it to contract with entities,  
including municipal corporations, to provide storm drain  
26 services; and

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

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

36           **Sec. 1. P&SL 1907, c. 433, §2, sub-§B, 4th ¶,** as amended by P&SL  
1977, c. 48, §1, is further amended to read:

38  
40           In addition to the operation of waste water and sewage system,  
the district is also authorized to contract with persons, firms  
and corporations, including municipal corporations, upon such  
42 terms as may be agreed to manage, operate, construct and maintain  
waste water and sewage collection and treatment systems, as well  
44 as storm drain facilities and systems, and, in addition, to  
contract with municipal and quasi-municipal corporations to  
46 acquire, own and finance municipal collection and treatment  
systems and storm drain facilities and systems.

48           **Sec. 2. P&SL 1907, c. 433, §18, 2nd ¶,** as repealed and replaced  
50 by P&SL 1993, c. 58, §1, is repealed and the following enacted in  
its place:

2           Trustees are elected for a term of 5 years at elections as  
4           described in this paragraph. Trustees elected from the City of  
6           Portland are elected at the City of Portland's regular municipal  
8           elections in May. Trustees elected from the City of South  
10           Portland, the City of Westbrook, the Town of Cape Elizabeth, the  
12           Town of Gorham and the Town of Scarborough are elected at  
14           elections on the first Tuesday after the first Monday of  
16           November. The term of any trustee elected from the Town of Cape  
18           Elizabeth, the Town of Gorham and the Town of Scarborough that  
20           expires in June 1997 is extended to the November election date.  
22           Trustees elected from the Town of Cumberland, the Town of  
          Falmouth and the Town of Windham are elected on the mutually  
          coincident municipal elections within those towns in June, but if  
          there is not a mutually coincident municipal election date, then  
          on the 2nd Tuesday of June. Costs for any trustee election held  
          concurrently with a federal, state or municipal election are  
          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 issues  
          voted upon at the election. If an election for a trustee results  
          in a tie vote, the other trustees shall select the person who  
          becomes a trustee.

24

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

28

### SUMMARY

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          This bill modifies the current charter of the Portland Water  
32 District in 2 respects. First, it expands the district's  
34 authority to allow it to contract with firms and municipalities  
36 to provide storm drain services. Second, it assists the Town of  
38 Gorham, the Town of Cape Elizabeth, the Town of Scarborough, the  
City of South Portland and the City of Westbrook by permitting  
trustee election dates to coincide with regular municipal  
elections.