

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1661

H.P. 1220

House of Representatives, March 15, 2001

An Act to Amend the Charter of the Portland Water District to Permit the Extension of Water and Wastewater Service to the Town of Raymond.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative BRUNO of Raymond.
Cosponsored by Senator TURNER of Cumberland and
Representative TOBIN 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 municipal
6 corporation organized and existing under the laws of the State;
and

8 **Whereas,** the Portland Water District desires to include the
10 Town of Raymond in its territory; and

12 **Whereas,** the Portland Water District desires to have the
Town of Raymond included on its Board of Trustees; and

14 **Whereas,** the Portland Water District desires to have these
16 changes effective prior to June 2001 to preclude the necessity of
special elections in the cities and towns that are now a part of
18 the district; and

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

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

28 **Sec. 1. P&SL 1907, c. 433, §1,** as amended by P&SL 1991, c. 89,
§1, is further amended to read:

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

36 **Sec. 2. P&SL 1907, c. 433, §2, sub-§A,** as enacted by P&SL 1975,
38 c. 84, is amended to read:

40 A. The district is authorized to supply the inhabitants of
the Cities of Portland, South Portland and Westbrook and the
42 Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham,
Raymond, Scarborough, Standish and Windham and said
44 municipalities with pure water for domestic, sanitary and
municipal services. The district is further authorized to
46 sell water to the Yarmouth Water District and the North
Yarmouth Water District. The district for the purposes of
48 its incorporation is hereby authorized to take, hold,
divert, use and distribute water from Sebago Lake, Chafin
50 Pond, its existing well sites in Cumberland, Windham and the

2 Steep Falls section of Standish in addition to any other
available source within its territory.

4 **Sec. 3. P&SL 1907, c. 433, §2, sub-§B, first ¶**, as enacted by P&SL
1975, c. 84, is amended to read:

6
8 B. The district is authorized to acquire, construct,
maintain, control, operate, manage and provide facilities
10 for the handling on a regional basis of ~~waste--water~~
wastewater and sewage consisting of domestic, commercial,
12 municipal and industrial wastes; and for the handling of
storm or surface waters entering a combined municipal sewer
14 system, all as collected by the municipalities of the Cities
of Portland and Westbrook and the Towns of Cape Elizabeth,
16 Cumberland, Falmouth, Gorham, Raymond, Standish and Windham,
~~hereinafter~~ referred to in this Act as the "participating
18 municipalities", all for the purpose of providing treatment
facilities, trunk sewers, interceptor lines, force mains,
20 outfalls, and pumping stations for the transmission and
disposal of ~~waste-water~~ wastewater and sewage received from
municipal collection systems.

22 **Sec. 4. P&SL 1907, c. 433, §4**, as repealed and replaced by P&SL
24 1975, c. 84, is amended to read:

26 **Sec. 4. Authority to construct and maintain.** The district is
authorized to lay in, along, under and through the streets,
28 roads, ways and highways and tidal waters, lakes, ponds, rivers
and water courses in the Cities of Portland, South Portland and
30 Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth,
Gorham, Raymond, Scarborough, Standish and Windham, and across
32 private lands ~~therein~~ in those cities and towns, and to maintain,
repair and replace all ~~such~~ the pipes, aqueducts, lines, drains,
34 conduits, interceptor lines, trunk sewers, force mains, outfalls,
outlets, and fixtures and appurtenances and to construct,
36 operate, maintain and replace ~~such~~ the pure water, disposal,
treatment and purification facilities and appurtenances, as may
38 be necessary and convenient for the district in carrying out the
~~foregoing-powers~~ purposes of this Act.

40 **Sec. 5. P&SL 1907, c. 433, §18, first ¶**, as amended by P&SL 1991,
42 c. 89, §2, is further amended to read:

44 **Sec. 18. Board of trustees.** The affairs of the district are
managed by a board of trustees composed of 11 members, 4 of whom
46 are elected by a plurality of voters of the City of Portland, 2
by a plurality of the voters of the City of South Portland, one
48 by a plurality of the voters of the City of Westbrook, 2 by a
plurality of the voters of the Towns of Gorham,

2 Scarborough and Cape Elizabeth and 2 by a plurality of the voters
of the Towns of Cumberland, Falmouth, Raymond and Windham.

4 **Sec. 6. P&SL 1907, c. 433, §18, 2nd ¶**, as repealed and replaced
by P&SL 1997, c. 15, §2, is amended to read:

6
8 Trustees are elected for a term of 5 years at elections as
described in this paragraph. Trustees elected from the City of
10 Portland are elected at the City of Portland's regular municipal
elections in May. Trustees elected from the City of South
12 Portland, the City of Westbrook, the Town of Cape Elizabeth, the
Town of Gorham and the Town of Scarborough are elected at
14 elections on the first Tuesday after the first Monday of
November. Trustees elected from the Town of Cumberland, the Town
of Falmouth, the Town of Raymond and the Town of Windham are
16 elected on the mutually coincident municipal elections ~~within~~
these towns in the Town of Cumberland, the Town of Falmouth and
18 the Town of Windham in June, but, if there is not a mutually
coincident municipal election date, then on the 2nd Tuesday of
20 June. The Town of Raymond shall hold a special town meeting to
elect the trustees on the same day that the Town of Cumberland,
22 the Town of Falmouth and the Town of Windham hold their
coincident municipal elections to elect the trustees from those
24 towns. Costs for any trustee election held concurrently with a
federal, state or municipal election are divided between the
26 municipality and the district. When there is a division of
costs, the district is responsible for the costs proportional to
28 the total number of offices and referenda issues voted upon at
the election. If an election for a trustee results in a tie
30 vote, the other trustees shall select the person who becomes a
trustee.

32 **Sec. 7. P&SL 1907, c. 433, §18, 3rd ¶**, as amended by P&SL 1991,
34 c. 89, §3, is further amended to read:

36 All nominations of candidates to be elected from the cities of
Portland, South Portland and Westbrook must be made by nomination
38 papers signed in the aggregate for each candidate by not less
fewer than 100 nor more than 150 qualified voters of such city.
40 All nominations of candidates to be elected from the area
consisting of either Cape Elizabeth, Scarborough and Gorham, or
42 Cumberland, Falmouth, Raymond and Windham must be made by
nomination papers signed in the aggregate for each candidate by
44 not less fewer than 35 nor more than 50 of the voters of each of
the towns within that area. Each voter signing a nomination
46 paper shall make the voter's signature in person and add to it
the voter's place of residence, and each voter may subscribe to
48 as many nominations as there are trustees to be elected in the
voter's area and no more. Nomination papers must be submitted to

2 each municipal clerk of the municipalities in that area
coterminously with the municipal filing date.

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

6

8

SUMMARY

10 This bill amends the charter of the Portland Water District
by adding the Town of Raymond as a member of the district in
12 order to allow the extension of water and wastewater services
within the area of the town.