

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 25

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

AN ACT amending Chapter 433 of the Private and Special
Laws of the State of Maine of 1907, entitled "An Act to
Incorporate the Portland Water District."

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

Section 1. Section 9 of Chapter 433 of the Private and
2 Special Laws of 1907 is hereby amended by striking out
3 the whole of said section, and substituting therefor the
4 following:

'Sect. 9. All the affairs of said district shall be managed
6 by a board of trustees composed of seven members, of
7 which board the mayor of the city of Portland and the

8 mayor of the city of South Portland shall be members
9 without special election therefor, and shall have full powers
10 of membership. In addition thereto, four of said trustees
11 shall be elected by the city of Portland and one of said
12 trustees shall be elected by the city of South Portland in
13 the manner hereinafter provided. The term of office of
14 the mayor of the city of Portland as a member of said
15 board of trustees shall terminate when his successor as
16 mayor of the city of Portland shall be elected and qualified.
17 The term of office of the mayor of the city of South Port-
18 land as a member of said board of trustees shall terminate
19 when his successor as mayor of the city of South Portland
20 shall be elected and qualified.'

Sect. 2. Section 10 of said chapter is hereby amended by
2 striking out the whole of said section and substituting there-
3 for the following:

'Sect. 10. The trustees so to be elected shall be elected
5 by a plurality vote of the legal voters in each of said cities
6 accepting this Act voting at an election to be specially called
7 and held therefor on the fourth Monday of May, nineteen
8 hundred and seven. Such special election shall be called,
9 advertised and conducted according to the law relating to
10 municipal elections in said cities, except as otherwise pro-
11 vided herein, provided, however, that the board of regis-
12 tration in said cities shall not be required to prepare for
13 posting or the city clerks thereof to post a new list of voters

14 but for the purpose of registration of voters said boards
15 shall be in session the three secular days next preceding
16 such election, the first two days thereof to be devoted to
17 registration of voters and the last day to enable the board
18 to verify the correction of said lists and to complete and
19 close up its records of said sessions. All nominations of
20 candidates so to be voted for shall be made by nomination
21 papers signed in the aggregate for each candidate by no
22 less than fifty qualified voters of the city in which he is
23 named as a candidate. Each voter signing a nomination
24 paper shall make his signature in person, and add to it his
25 place of residence, and each voter may subscribe to as many
26 nominations as there are trustees to be elected in his city
27 and no more. Such nomination papers shall, before being
28 filed, be submitted to the city clerk of the city where such
29 nomination is made, who shall forthwith certify thereon
30 what number of the signatures are names of qualified voters
31 in said city; one of the signers to each such separate paper
32 shall swear to the truth thereof, and the certificate of such
33 oath shall be annexed to or made upon the nomination
34 papers. Such nomination papers shall be filed with the city
35 clerk of the city where such nomination is made at least
36 seven days, exclusive of Sundays, previous to the day of
37 such election. With such nomination papers shall also be
38 filed the consent in writing of the person or persons nomi-
39 nated. All nomination papers, being filed and being in

40 apparent conformity with the foregoing provisions, shall
41 be deemed to be valid; and if not in apparent conformity,
42 they may be seasonably amended under oath. In case any
43 candidate who has been duly nominated under the pro-
44 visions hereof shall die before the day of election, or shall
45 withdraw in writing, the vacancy may be supplied in the
46 manner herein provided for such nominations. The name
47 so supplied for the vacancy shall, if the ballots have not
48 been printed, be placed on the ballots instead of the original
49 nomination; or if the ballots have been printed, new ballots
50 containing the new nomination shall, if practicable, be fur-
51 nished or slips containing the new nomination shall be print-
52 ed under the direction of the city clerk which may be pasted
53 in proper place upon the ballots and thereafter shall become
54 part and parcel of said ballots as if originally printed thereon.
55 The ballot in each city shall contain the names of all candi-
56 dates so nominated in such city printed in one column under
57 the heading, 'For Trustees of the Portland Water District.'
58 Above such heading shall be printed, 'Vote for three, or such
59 number as may be appropriate, trustees. Make a cross to the
60 right of each name voted for.' As many blank spaces shall be
61 left after the names of the candidates as there are trustees to
62 be elected, in which the voter may paste on or by writing in-
63 sert the name or names of any person or persons for whom he
64 desires to vote. In preparing his ballot the voter shall mark a
65 cross (X) against and to the right of such names on said bal-

66 lots as he desires to vote for, not to exceed the number of trus-
67 tees so to be elected in the city in which he is voting. If the
68 voter shall desire to vote for any person or persons whose
69 name or names are not to be printed on the ballot, he may fill
70 in such name or names in the blank spaces left therefor
71 by writing the same therein or by using a sticker or stickers
72 containing such new name or names. Where the voter so
73 adds by writing or by sticker such new name or names,
74 his vote for such new name or names shall be counted
75 therefor although he may fail to mark a cross against the
76 same. The result of such election in each city shall be
77 declared by the municipal officers and due certificate there-
78 of filed with the city clerk thereof. The term of office
79 of the trustees so elected shall begin on the said fourth
80 Monday of May. As soon as convenient after the mem-
81 bers of said board have been so chosen, said trustees shall
82 hold a meeting at the city rooms in the city of Portland
83 to be called by one of said trustees upon such reasonable
84 notice therefor as he deems proper. They shall organize
85 by the election of a president and a clerk, adopt a corpo-
86 rate seal and when necessary may choose a treasurer and
87 all other needful officers and agents for the proper conduct
88 and management of the affairs of said district. They may
89 also ordain and establish such by-laws as are necessary for
90 their own convenience and the proper management of the
91 affairs of the district, but all the by-laws establishing rates

92 or penalties and all amendments thereto shall be subject
93 to the approval of the supreme judicial court under gen-
94 eral equity powers conferred on such court by Act of Feb-
95 ruary 14, 1868. Before such by-laws or amendment there-
96 to shall be presented to the supreme judicial court for
97 approval, public notice shall be given by the board of
98 trustees by publishing a copy of such proposed by-law or
99 amendment in at least one daily newspaper in the city of
100 Portland for fourteen consecutive days, exclusive of Sun-
101 days, the last publication to be not more than one week
102 before presenting such by-law or amendment thereto; said
103 court may order such further notice as it deems advis-
104 able. At said first meeting the trustees so elected shall
105 determine by lot the term of office of each trustee so that
106 one trustee shall retire each year, and whenever the term
107 of office of a trustee expires, his successor shall be elected
108 by a plurality vote by the city which elected him and upon
109 nomination made as herein provided for the first election
110 of trustees, and for the purpose of such election, a special
111 election shall be called and held on the fourth Monday
112 of May in each year in the city wherein such trustees are
113 to be elected, the same to be called in the manner herein-
114 before provided for the first election of trustees. The
115 trustees so elected shall serve the full term of five years,
116 and in case any vacancy arises in the membership of the
117 board of trustees, it shall be filled in like manner, for the

118 unexpired term, by special election to be called by the
119 municipal officers of the city wherein the election is to
120 be held. When any trustee ceases to be a resident of the
121 city by which he was elected, he vacates such office of
122 trustee and the vacancy shall be filled as aforesaid. All
123 such trustees shall be eligible to re-election, but no person
124 holding a municipal office in either of said cities, except
125 the mayor of the city of Portland and the mayor of the
126 city of South Portland, shall be eligible to election as
127 trustee. Such trustees may procure an office and incur
128 such expense as may be necessary. Each member shall
129 receive in full compensation for his services an allowance
130 of four hundred dollars per annum. The fiscal year shall
131 begin on the first day of January and end on the thirty-
132 first day of December in each year. At the close of each
133 fiscal year, the trustees shall make a detailed report of
134 their doings, of the receipts and expenditures of said
135 water district, of depreciation charges, of its financial and
136 physical condition, and of such other matters and things
137 pertaining to said district as shall show the inhabitants
138 of said district how said trustees are fulfilling the duties
139 and obligations of their trust. Said trustees shall not
140 later than the first week in February of each year cause
141 such reports to be made and filed with the city auditors
142 of the cities of Portland and South Portland and copies
143 thereof to be printed for distribution to citizens of said

144 cities. In addition to such reports, said trustees shall quar-
145 terly in each year file with said city auditors an itemized
146 trial balance showing receipts and expenditures of said
147 water district for the preceding quarter, including therein
148 unpaid bills and all credits and liabilities received or in-
149 curred by them on behalf of said district.'

Sect. 3. Section 14 of said chapter is hereby amended
2 so that as amended it shall read as follows:

'Sect. 14. For accomplishing the purpose of this act, said
4 water district, through its trustees, is authorized to borrow
5 money temporarily and to issue therefor the interest-bear-
6 ing negotiable notes of the district, and for the purpose
7 of refunding the indebtedness so created, of paying any
8 necessary expenses and liabilities, incurred under the pro-
9 visions of this act, including the expenses incurred in the
10 creation of the district in acquiring the properties and fran-
11 chises of the Portland Water Company and the Standish
12 Water and Construction Company, by purchase or other-
13 wise, of the purchase or acquisition of the properties and
14 franchises of said water companies, of assuming and pay-
15 ing the mortgages, liens, and encumbrances thereon as
16 provided in section eleven, of securing sources of supply,
17 taking water and land, paying damages, laying pipes, con-
18 structing, maintaining and operating a water plant, and
19 making renewals, extensions, additions and improvements
20 to the same, the said water district, through its trustees,

21 may from time to time issue bonds of the district, to an
22 amount or amounts necessary in the judgment of the trus-
23 tees therefor. Said notes and bonds shall be legal obliga-
24 tions of said water district, which is hereby declared to be
25 a quasi-municipal corporation within the meaning of sec-
26 tion ninety-six, chapter forty-seven of the Revised Statutes,
27 and all the provisions of said section shall be applicable
28 thereto. The said notes and bonds shall be legal invest-
29 ments for savings banks. Nothing herein contained shall
30 be construed as authorizing the issuance of any bonds or
31 interest bearing or negotiable notes in addition to such bonds
32 and notes as have been actually issued, unless two-thirds
33 of the members of the city government of the city of Port-
34 land and two-thirds of the members of the city government
35 of the city of South Portland voting at a joint convention
36 to be specially called by the mayor of the city of Portland
37 and held for that purpose, shall vote in favor thereof.'

Sect. 4. All acts and parts of acts inconsistent herewith,
2 are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 27, 1909.

Tabled pending reference to a committee, by Mr. BEYER of
Portland, and ordered printed.

E. M. THOMPSON, *Clerk.*