

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

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THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the One Hundred and Fourth Legislature

1969

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boro is authorized to operate a high school even though the enrollment is less than 100 pupils, except that such authorization shall expire July 1, 1973.

Effective October 1, 1969

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## Chapter 125

### AN ACT to Expand the Territory of the Portland Water District.

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

**Sec. 1.** The Portland Water District, a quasi-municipal corporation organized and existing pursuant to chapter 433 of the private and special laws of the State of Maine of 1907, as amended, shall be expanded so that, subject to the provisions of section 6 hereof, the territory and people of the Cities of Portland and South Portland and such of the territory and people of the City of Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Standish and Windham as accept the provisions of chapter 95 of private and special laws of 1969 and do not withdraw therefrom within the time allowed under section 16 thereof, shall thereupon constitute the public municipal corporation under the name of Portland Water District; provided, however, if the authority granted under chapter 95 of the private and special laws of 1969 is terminated by the withdrawal of Portland and South Portland then this Act shall not take effect.

**Sec. 2.** In the event that the Cities of Portland, South Portland and Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Standish and Windham accept the provisions of chapter 95 of the private and special laws of 1969 and none of such municipalities withdraws therefrom and all of such municipalities accept this Act, 4 trustees shall be elected by a plurality of the legal voters of the City of Portland, 2 trustees shall be elected by a plurality of the legal voters of the City of South Portland, one trustee shall be elected by a plurality of the legal voters of the City of Westbrook, one trustee shall be elected by a plurality of the legal voters of the area constituting the Towns of Cape Elizabeth and Gorham, and one trustee shall be elected by a plurality of the legal voters of the area constituting the Towns of Cumberland, Falmouth, Standish and Windham.

If not all of said municipalities accept this Act or some which accept this Act later withdraw from the provisions of said chapter 95, the trustees shall, not later than 6 months after the time for withdrawal from the provisions of said chapter 95 shall have expired, expand the board of trustees and shall determine the composition of areas from which they shall be elected, all based upon the population of the municipalities which accept this Act and do not withdraw from the provisions of said chapter 95. For the purpose of determining the composition of the areas, towns may be combined with a city or combined with other towns, but no 2 cities shall be combined. The area of which Portland is a part shall have 4 trustees; the area of which South Portland is a part shall have 2 trustees; and the area of which Westbrook is a part shall have one trustee. Notwithstanding the fact that either Portland or South Portland withdraws from the provisions of said chapter 95, the area of which Portland is a part shall have 4 trustees and the area of which South Portland is a part shall have 2 trustees.

The trustees shall certify their reapportionment of trustees and determination of composition of the areas to the municipal clerk of each of said cities and towns.

**Sec. 3.** Each of the trustees elected prior to such reapportionment shall serve out the term of office to which he has been elected.

Trustees shall be elected for a term of 5 years, except that the first term of the additional trustee elected from South Portland or from the area including South Portland shall be for a term of 3 years; the first term of the trustee elected from the City of Westbrook or from the area including the City of Westbrook shall be for a term of 2 years; and the first term of the trustee from any area composed only of towns shall, if there is only one such area, be for one year, and if there are 2 such areas, shall in one of such areas be for one year and in the other of such areas be for 4 years, the determination to be made by the trustees.

If an area includes more than one municipality, the trustees shall certify the initial term of its trustee to the municipal clerk of each of the municipalities constituting such area.

**Sec. 4.** The trustees from a city not a part of an area consisting of more than one municipality shall be nominated and elected in the manner provided in chapter 433 of the private and special laws of 1907, as amended, except as hereinafter provided.

For an area including more than one municipality, the trustee or trustees from such area shall be elected by a plurality vote of the legal voters of all of the municipalities constituting such area voting at elections to be specially called and held in each municipality on the 4th Monday of May of each year, commencing on the first such Monday occurring at least 60 days after the time for withdrawal under section 16 of chapter 95 of the private and special laws of 1969 has expired. Each election shall be called, advertised and conducted according to the laws relating to municipal elections; provided, however, that the registrar of voters or board of registration of each municipality shall not be required to prepare nor shall the municipal clerks be required to post a new list of voters for this purpose. The registrar of voters or the board of registration in each of said municipalities shall be in session for 3 secular days next preceding the day set for said elections.

All nominations of candidates so to be voted for shall be made by nomination papers signed in the aggregate for each candidate by not less than 50 qualified voters of the municipalities within the area in which he is a candidate. Each voter signing a nomination paper shall make his signature in person and add to it his place of residence, and each voter may subscribe to as many nominations as there are trustees to be elected in his area and no more. Before being filed with the clerk of the Portland Water District, one of the signers to each such separate nomination paper shall swear to the truth thereof and the certificate of such oath shall be annexed to or made a part of said nomination paper. Nomination papers shall be submitted to each municipal clerk of the municipalities within such area, and the municipal clerk must personally sign a certificate appended to the nomination paper specifying that each name on the nomination paper appeared on the voting list of his respective municipality as being qualified to vote for Governor. Nomination papers duly certified by the municipal clerks shall be filed with the clerk of the Portland Water District not earlier than 35 days nor later than

25 days before the day of the election. The consent in writing of the person or persons nominated shall also be filed with such nomination papers.

Within 21 days before the day of the election, the clerk of the Portland Water District shall notify the municipal clerk of each municipality within the district of the names of the candidates nominated for trustee for the area within which such municipality is located. Each municipality shall prepare, under direction of its municipal clerk, ballots in the form provided in said chapter 433, as amended, except that the back of the ballot shall show the name of the municipality and the facsimile signature of the municipal clerk. The municipal clerks shall present the returns of their respective municipalities to the clerk of the district not later than 5 days after said elections. The trustees shall within 15 days after the election determine and declare the successful candidates of each area as follows: The person or persons not exceeding the number to be voted for at any one time for any one office, having the highest number of votes in such area shall be determined and declared to be elected as trustee from such area.

The expenses of the Portland Water District shall in the first instance be chargeable to and paid by the municipalities in which the election is held and such expenses so far as arising solely or chiefly and directly from such elections shall be reimbursed by the Portland Water District.

**Sec. 5.** All provisions in chapter 433 of private and special laws of 1907, as amended, inconsistent with the provision of this amendment and none other are hereby repealed.

**Sec. 6.** This Act shall take effect when approved by the Legislature and signed by the Governor, only for the purpose of permitting its submission to the legal voters of the Cities of Portland and South Portland at special elections called and held for such purpose. The dates of said elections for the Cities of Portland and South Portland shall be determined by the respective city councils of said cities.

The result of the vote in said Cities of Portland and South Portland shall be declared by the appropriate officials of the respective cities and due certificates thereof shall be forthwith filed by the respective city clerks with the Secretary of State and with the trustees of the Portland Water District. If the result so filed shows that a majority of the legal voters of the City of Portland voting at said special election and a majority of the legal voters of the City of South Portland voting at said special election approve this Act, the trustees of the Portland Water District shall forthwith certify the same to be so by causing the clerk of the district to file a certificate with the Secretary of State and with the city clerks of the Cities of Portland and South Portland and with the city or town clerk of such of the City of Westbrook and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Standish and Windham as have approved chapter 95 of the private and special laws of 1969.

If both the Cities of Portland and South Portland approve this Act and both of said cities do not withdraw from the provisions of said chapter 95 then upon the expiration of the time for withdrawal thereunder all the provisions of this Act shall thereupon take full effect as to said Cities of Portland and South Portland.

When this Act takes full effect as to both the Cities of Portland and South Portland, it shall take further effect for the purpose of permitting its submission to the legal voters of such of the City of Westbrook, and the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Standish and Windham as have approved chapter 95 of the private and special laws of 1969, at special elections called and held for said purpose in each of said city and towns and which shall not have withdrawn from the provisions thereof within the time provided therein.

The dates of said elections shall be determined by the respective municipal officers of each of such city and towns, but such elections shall not be later than 60 days after the expiration of such withdrawal period under said chapter 95.

The result of the vote in such of the City of Westbrook and in each of said towns shall be declared by the appropriate officials of said city and towns and due certificates thereof shall be forthwith filed by the city clerk of the City of Westbrook and the respective town clerks of said towns with the Secretary of State and with the trustees of the Portland Water District, and whenever the result so filed shows that a majority of the legal voters of said city or of any of said towns voting at special elections approves this Act, it shall take effect with respect to each of said city and towns.

Each city and town shall vote only once on the acceptance of this Act.

In the case of each town, and not in the case of each city, a public hearing shall be held by the municipal officers on the subject of the election at least 10 days before the date of voting thereon. Notice of such public hearing shall be given by the municipal officers by causing a copy of the ballot together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a town meeting, at least 7 days before the date set for such hearing, and a return shall be made on the original notice by the municipal officers stating the manner of notice and the time when it was given.

The respective city and town clerks shall prepare the required ballots on which they shall reduce the subject matter of this Act to the following question: "Shall the Act to expand the territory of the Portland Water District passed by the 104th Legislature be accepted?". The voters shall indicate their opinion of the same by a cross or check mark placed against the words "Yes" or "No".

Shall any of such City of Westbrook or the Towns of Cape Elizabeth, Cumberland, Falmouth, Gorham, Standish and Windham fail to accept this Act, the territory and people within such city or towns shall not be a part of said Portland Water District, but said Portland Water District shall supply water to such city and towns and to the inhabitants thereof and shall also provide waste water and sewage services to such of said city and towns and to the inhabitants thereof as shall accept said chapter 95 and not withdraw from the provisions thereof within the time provided therein.