

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

2003

**Turnpike Revenue Bond
Resolution Adopted April 18,
1991; Issuance of Bonds
Authorized Pursuant to the
Maine Revised Statutes, Title
23, section 1968, subsections 1
and 2.**

Debt Service Fund	\$17,346,390
Reserve Maintenance Fund	16,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	448,867
Debt Service Fund under the General Special Obligation Bond Resolution adopted May 15, 1996; issuance of bonds authorized pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A.	2,466,060
TOTAL	\$36,261,317

See title page for effective date.

CHAPTER 56

H.P. 1568 - L.D. 2073

**An Act to Amend the Charter of the
Portland Water District for the
Purpose of Redistricting Trustee
Representation to Reflect 2000
Census Data**

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

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

Whereas, the Portland Water District desires to reapportion its board of trustees to reflect 2000 census data, which will result in the inhabitants of the district being proportionally represented on the board; and

Whereas, the Portland Water District desires to have the changes effective prior to November 2002 to

preclude the necessity of special elections in the cities and towns that are now a part of the district; and

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

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

Sec. 1. P&SL 1907, c. 433, §18, first ¶, as amended by P&SL 2001, c. 25, §5, is repealed and the following enacted in its place:

Sec. 18. Board of trustees. The affairs of the district are managed by a board of trustees composed of 11 members, 4 of whom are elected by a plurality of the voters of the City of Portland, 2 by a plurality of the voters of the City of South Portland and the Town of Cape Elizabeth, one by a plurality of the voters of the City of Westbrook, one by a plurality of the voters of the Town of Gorham, one by a plurality of the voters of the Town of Raymond and the Town of Windham, one by a plurality of the voters of the Town of Scarborough and one by a plurality of the voters of the Town of Falmouth and the Town of Cumberland.

Sec. 2. P&SL 1907, c. 433, §18, 2nd ¶, as amended by P&SL 2001, c. 25, §6, is further amended to read:

Trustees are elected for a term of 5 years at elections as described in this paragraph. Trustees elected from the City of Portland are elected at the City of Portland's regular municipal elections in November. Trustees elected from the City of South Portland, the Town of Cape Elizabeth, the City of Westbrook, the Town of Cape Elizabeth, the Town of Gorham and the Town of Scarborough are elected at 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 elected on the mutually coincident municipal elections in the Town of Cumberland, the Town of Falmouth and the Town of Windham in June, but, if there is not a mutually coincident municipal election date, then on the 2nd Tuesday of June. The Town of Raymond shall hold a special town meeting to elect the trustees on the same day that the Town of Cumberland, the Town of Falmouth and the Town of Windham hold their coincident municipal elections to elect the trustees from those towns. The trustee elected from the Town of Cumberland and the Town of Falmouth is elected on a mutually coincident municipal election date in the Town of Cumberland and the Town of Falmouth in June, but, if there is not a mutually coincident

municipal election date, then on the 2nd Tuesday of June. The trustee elected from the Town of Raymond and the Town of Windham is elected on the date of municipal elections in the Town of Windham in June. The Town of Raymond shall hold a special town meeting to elect the trustee on the same day that the Town of Windham holds its election to elect the trustee. 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.

Sec. 3. P&SL 1907, c. 433, §18, 3rd ¶, as amended by P&SL 2001, c. 25, §7, is further amended to read:

All nominations of candidates to be elected from the cities of Portland, ~~South Portland and~~ or Westbrook must be made by nomination papers signed in the aggregate for each candidate by not fewer than 100 nor more than 150 qualified voters of such city. All nominations of candidates to be elected from the area consisting of South Portland and Cape Elizabeth must be made by nomination papers signed in the aggregate for each candidate by not fewer than 35 nor more than 50 of the qualified voters of Cape Elizabeth and not fewer than 100 nor more than 150 qualified voters of the City of South Portland. All nominations of candidates to be elected from Gorham or Scarborough must be made by nomination papers signed in the aggregate for each candidate by not fewer than 35 nor more than 50 of the qualified voters of each of the towns. All nominations of candidates to be elected from the area consisting of either ~~Cape Elizabeth, Scarborough and Gorham, or~~ Cumberland; ~~and~~ Falmouth; ~~or~~ Raymond and Windham must be made by nomination papers signed in the aggregate for each candidate by not fewer than 35 nor more than 50 of the voters of each of the towns within that area. Each voter signing a nomination 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 as many nominations as there are trustees to be elected in the voter's area and no more. Nomination papers must be submitted to each municipal clerk of the municipalities in that area coterminously with the municipal filing date.

Sec. 4. Transition. Trustees of the Portland Water District elected prior to the effective date of this Act and serving on the effective date of this Act continue to serve until their successors are elected and take office in accordance with this Act. When the current trustee's term representing the towns of Cape Elizabeth, Gorham and Scarborough expires in 2002,

that seat must be filled by a person representing the Town of Gorham only. When the current trustee's term representing the towns of Cape Elizabeth, Gorham and Scarborough expires in 2003, that seat must be filled by a person representing the Town of Scarborough only. When the current trustee's term representing the City of South Portland expires in 2004, that seat must be filled by a person representing the City of South Portland and the Town of Cape Elizabeth. When the current trustee's term representing the City of South Portland expires in 2005, that seat must be filled by a person representing the City of South Portland and the Town of Cape Elizabeth. When the current trustee's term representing the towns of Cumberland, Falmouth, Windham and Raymond expires in 2006, that seat must be filled by a person representing the towns of Falmouth and Cumberland. The current trustee's term representing the towns of Cumberland, Falmouth, Windham and Raymond that expires in 2002 must be filled by a person representing those towns. When that trustee's term expires in 2007, the seat must be filled by a person representing the towns of Windham and Raymond. The trustee elected from the Town of Cumberland, the Town of Falmouth, the Town of Raymond and the Town of Windham in 2002 must be elected on a mutually coincident municipal election date in the Town of Cumberland, the Town of Falmouth and the Town of Windham in June, but, if there is not a mutually coincident municipal election date, then on the 2nd Tuesday of June. The Town of Raymond shall hold a special town meeting to elect the trustees on the same day that the Town of Cumberland, the Town of Falmouth and the Town of Windham hold their coincident municipal elections to elect the trustees from those towns. All nominations of candidates to be elected from the area consisting of Cumberland, Falmouth, Raymond and Windham must be made by nomination papers signed in the aggregate for each candidate by not fewer than 35 nor more than 50 of the voters of each of the towns within that area. Each voter signing a nomination 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 as many nominations as there are trustees to be elected in the voter's area and no more. Nomination papers must be submitted to each municipal clerk of the municipalities in that area coterminously with the municipal filing date.

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

Effective March 21, 2002.