

HOUSE No. 4858

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act Further amending chapter 407 of the acts of 1983 establishing the Mattapoisett River Valley Water Supply protection advisory committee..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 407 of the Acts of 1983, as most recently amended by Chapter 92 of the Acts of
2 1997, is hereby further amended by striking there from Section 2 in its entirety, and inserting in
3 its place the following:

4 Section2. The committee may establish regulations and procedures for the
5 assessment and collection of a fee to be paid by each town which withdraws water from the
6 Mattapoisett river aquifer. Such fee shall be set by a two-thirds vote of the committee and shall
7 be assessed in proportion to the quantity of water withdrawn by each town; provided, however,
8 that such fee shall not exceed \$.02 per one hundred gallons; and provided further, that a two
9 thirds vote of the voters of town meeting of a member community shall be required to asses
10 and/or modify a fee on said member community as authorized by this section. Private water
11 withdrawals registered or permitted pursuant to the water management act shall be assessed at
12 the same fee as for municipalities, however, no water management act shall be assessed at the
13 same fee as for municipalities, however, no fee shall be assessed for either registered or

14 permitted municipal or private water withdrawals used for the purposes of agriculture as defined
15 by section 1A of chapter 128 of the General Laws. A bill to collect such fee shall be sent by the
16 treasurer of the committee by February 15 of each year and shall be based upon the pumpage
17 from January to December, inclusive.

18 And by adding the following after Section 4:

19 Section 5. The committee is hereby authorized to issue from time to time, by a two-
20 thirds vote of the members of the committee present and voting, bonds and notes for the purpose
21 of assisting a town within the Mattapoisett river valley to acquire land for protection of the
22 aquifer and for land or easement purchases, engineering or other studies and services, public
23 education relating to water conservation plans and programs and water supply protection;
24 provided that the last installment of any issue of such notes or bonds shall be payable not more
25 than thirty years from the date of such issue; and further provided that written notice of the
26 amount of the debt and of the general purposes for which it was authorized shall be given to the
27 board of selectmen of each member town, comprising the committee not later than seven days
28 after the date on which said debt was authorized by the committee, and no debt may be incurred
29 until the expiration of forty-five days from the date said debt was authorized by the committee.
30 If before the expiration of said period, any member town expresses disapproval by vote of a
31 majority of the voters present and voting on the matter at a town meeting called for the purpose
32 of expressing such disapproval, the said debt shall not be incurred; but in the event of any such
33 disapproval by a member town, the committee may prepare and authorize another proposal for
34 the incurrence of debt which may be the same as any prior proposal and shall be subject to the
35 requirements of this section. A member town shall not be required to hold a town meeting

36 within said forty-five day period and the failure of a member town to hold a town meeting shall
37 not constitute disapproval of the amount of the debt authorized by the committee.

38 Said bond or notes shall be issued in the name and upon the full faith and credit of said
39 committee; said bonds or notes shall be signed by the chairman and the treasurer of the
40 committee, except that said chairman by a writing shall be open to public inspection, may
41 authorize said treasurer to cause to be engraved or printed on said bonds or notes a facsimile of
42 said chairman's signature, and such facsimile signature so engraved or printed shall have the
43 same validity and effect as said chairman's written signature, and each issue of bonds or notes
44 shall be a separate loan.

45 Notwithstanding chapter 44 of the General Laws to the contrary, only sections 16 to 28,
46 inclusive, of said chapter 44 shall, so far as apt, apply to the committee; provided, however, that
47 section 16 of said chapter 44 relating to the countersigning of bonds and notes and section 25 of
48 said chapter 44 relating to the countersigning and approval of notes and the certificates of the
49 clerk relating thereto shall not apply to the committee; and provided further that, notwithstanding
50 section 19 of said chapter 44 to the contrary, the maturities of each issue of bonds and notes of
51 the committee shall be arranged so that for each issue the amounts payable in the several years
52 for principal and interest combined shall be as nearly equal as practicable in the opinion of the
53 treasurer or, in the alternative, in accordance with a schedule providing for a more rapid
54 amortization of principal. Any debt incurred by the committee shall not be subject to the limit of
55 indebtedness prescribed in section 10 of said chapter 44.