HOUSE No. 4858

The Commonwealth of Alassachusetts
PRESENTED BY:
William M. Straus
To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:
The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act Further amending chapter 407 of the acts of 1983 establishing the Mattapoisett River Valley Water Supply protection advisory committee.
PETITION OF:

NAME:	DISTRICT/ADDRESS:
William M. Straus	10th Bristol

The Commonwealth of Massachusetts

In the	Year	Two	Thousand	and	Nine

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:

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

Section 2. The committee may establish regulations and procedures for the assessment and collection of a fee to be paid by each town which withdraws water from the Mattapoisett river aquifer. Such fee shall be set by a two-thirds vote of the committee and shall be assessed in proportion to the quantity of water withdrawn by each town; provided, however, that such fee shall not exceed \$.02 per one hundred gallons; and provided further, that a two thirds vote of the voters of town meeting of a member community shall be required to asses and/or modify a fee on said member community as authorized by this section. Private water withdrawals registered or permitted pursuant to the water management act shall be assessed at the same fee as for municipalities, however, no water management act shall be assessed at the same fee as for municipalities, however, no fee shall be assessed for either registered or permitted municipal or private water withdrawals used for the purposes of agriculture as defined by section 1A of chapter 128 of the General Laws. A bill to collect such fee shall be sent by the treasurer of the committee by February 15 of each year and shall be based upon the pumpage from January to December, inclusive.

And by adding the following after **Section 4:**

Section 5. The committee is hereby authorized to issue from time to time, by a two-thirds vote of the members of the committee present and voting, bonds and notes for the purpose of assisting a town

within the Mattapoisett river valley to acquire land for protection of the aquifer and for land or easement purchases, engineering or other studies and services, public education relating to water conservation plans and programs and water supply protection; provided that the last installment of any issue of such notes or bonds shall be payable not more than thirty years from the date of such issue; and further provided that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the board of selectmen of each member town, comprising the committee not later than seven days after the date on which said debt was authorized by the committee, and no debt may be incurred until the expiration of forty-five days from the date said debt was authorized by the committee. If before the expiration of said period, any member town expresses disapproval by vote of a majority of the voters present and voting on the matter at a town meeting called for the purpose of expressing such disapproval, the said debt shall not be incurred; but in the event of any such disapproval by a member town, the committee may prepare and authorize another proposal for the incurrence of debt which may be the same as any prior proposal and shall be subject to the requirements of this section. A member town shall not be required to hold a town meeting within said forty-five day period and the failure of a member town to hold a town meeting shall not constitute disapproval of the amount of the debt authorized by the committee.

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

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