

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 14

House of Representatives, Jan. 17, 1919.

On motion of Mr. Hinckley of South Portland referred to
Cumberland County delegation and 2000 copies ordered printed.
Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hinckley of South Portland.

STATE OF MAINE

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

AN ACT to establish the Portland Public Service District.

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

Section 1. The territory and people constituting the cities
2 of Portland, South Portland and Westbrook and the towns
3 of Cape Elizabeth, Scarboro, Gorham, Windham, Yar-
4 mouth, Cumberland and Falmouth (except as controlled
5 by sections twenty-six and twenty-seven of this act) shall
6 constitute a public municipal corporation under the name
7 of the Portland Public Service District for the purpose of
8 operating and controlling transportation (excepting by
9 steam railroads) of passengers and merchandise therein

10 and within the waters of Casco Bay and Portland Harbor,
11 and present and future extensions of transportation facili-
12 ties operating therein; also for furnishing light, heat and
13 power within said cities and towns and present and future
14 extensions of lighting, heating or power facilities now exist-
15 ing therein; provided, however, that the sphere of opera-
16 tions of said district shall be limited to Cumberland County,
17 except where present or future extensions of operations
18 shall be of such as now exist outside of said county, but
19 physically connected with operations therein.

Sect. 2. Said district, for the purpose of its incorporation
2 is hereby authorized to acquire, construct, maintain, operate,
3 let or lease light and power plants, pole lines, railways and
4 other forms of public conveyances, including trackless
5 trolleys and ferries.

Sect. 3. The said district, for the purposes of its incor-
2 poration, is hereby authorized to take and hold for public
3 uses by purchase or otherwise any land or interest therein
4 or water rights necessary for erecting and maintaining
5 power plants, dams for flowage, for reservoirs, for laying
6 and maintaining aqueducts and other structures for taking,
7 distributing, discharging and disposing of water for develop-
8 ment and power purposes and for rights of way or road-
9 ways to its sources of supply, dams, power stations, reser-
10 voirs, structures and lands and ferry ways.

Sect. 4. The said district, for the purposes of its incor-
2 poration, is hereby authorized to take (by purchase, right of

3 eminent domain, hire or otherwise) hold, use, let or lease
4 such real and personal property as may be necessary there-
5 for or incidental thereto.

Sect. 5. Said district is authorized to grade and surface
2 suitably any railway location or traffic ways which it may
3 own, operate over or control, and to carry said railways
4 over or under any railroad or railway location or public
5 way in order to eliminate crossings at grade.

Sect. 6. In case of any crossing of a railroad or railway
2 unless consent is given by the company owning or operat-
3 ing such railroad or railway as to place, manner and con-
4 ditions of the crossing, within thirty days after such con-
5 sent is requested by said district, the public utilities commis-
6 sion shall determine the place, manner and condition of such
7 crossing; and all work within the limits of such railroad or
8 railway location shall be done under the supervision and to
9 the satisfaction of such public utilities commission, but at
10 the expense of the district.

Sect. 7. Upon application to the district by any railroad
2 or railway company or upon application by the district to
3 any railroad or railway company, either shall, upon reason-
4 able terms and conditions, be provided with track connec-
5 tions serving its transportation facilities. If terms and con-
6 ditions are not mutually agreed upon within thirty days
7 from date of said application, petition may be filed by either
8 party with the Public Utilities Commission, who shall deter-
9 mine said terms and conditions.

Sect. 8. In exercising any right of eminent domain conferred upon it by law, from time to time, or any rights of eminent domain through or under the franchises of any company by it acquired, the said district shall file in the office of the county commissioners of Cumberland County and record in the registry of deeds in said county plans of the location of all lands or interests therein or water ways or rights to be taken, with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire the property authorized to be taken, and which is described in such location, or the location recorded is defective or uncertain, it may, at any time, correct and perfect such location and file a new description thereof, and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of ten days from such filing, whereon possession may be had of all said lands or interests therein or water ways or rights so taken, but title there- to shall not vest in said district until payment therefor.

Sect. 9. If any person, sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of Cumberland County, may have said dam-

5 ages assessed by them; the procedure and all subsequent
6 proceedings and right of appeal thereon shall be had under
7 the same restrictions, conditions and limitations as are or
8 may be by law prescribed in the case of damages by the
9 laying out of highways.

Sect. 10. All the affairs of said district shall be managed
2 by a board of directors composed of seven members. For
3 the purpose of choosing members of said board, said cities
4 and towns shall be divided into classes as follows: Class 1,
5 the City of Portland, shall elect four; Class 2, South Port-
6 land and Cape Elizabeth, shall elect one; Class 3, West-
7 brook, Gorham and Scarborough, shall elect one; and Class 4,
8 Yarmouth, Windham, Cumberland and Falmouth, shall elect
9 one; provided that, if any city or town in any class shall
10 vote not to accept this Act, those accepting shall constitute
11 said class; and if all cities and towns in a class vote not to
12 accept, that class director shall be added to those to be chos-
13 en by the City of Portland. The manner of election of di-
14 rectors shall be as hereinafter provided.

Sect. 11. The directors so to be elected shall be elected by
2 vote of the legal voters in each of said cities and towns ac-
3 cepting this act voting at an election to be specially called
4 and held therefor on the fourth Monday of August, 1919.
5 Such special election shall be called, advertised and conduct-
6 ed according to the law relating to municipal elections in
7 said cities or towns, except as otherwise provided herein,
8 provided, however, that the board of registration in said

9 cities shall not be required to prepare for posting or the
10 city clerks thereof to post a new list of voters, but for the
11 purpose of registration of voters said boards shall be in ses-
12 sion the three secular days next preceding such election, the
13 first two days thereof to be devoted to registration of voters
14 and the last day to enable the board to verify the correc-
15 tions of said lists and to complete and close up its records
16 of said sessions. All nominations of candidates so to be
17 voted for shall be made by nomination papers signed in the
18 aggregate for each candidate by not less than fifty qualified
19 voters of the "class" in which he is named as a candidate.
20 Each voter signing a nomination paper shall make his signa-
21 ture in person and add to it his place of residence, and each
22 voter may subscribe to as many nominations as there are
23 directors to be elected in his class and no more. Such nomi-
24 nation papers shall, before being filed, be submitted to the
25 city or town clerk of the city or town where residence is
26 claimed by the signer, which clerk shall forthwith certify
27 thereon what number of the signatures are names of quali-
28 fied voters in said city or town. One of the signers to each
29 such separate paper shall swear to the truth thereof and
30 the certificate of such oath shall be annexed to or made
31 upon the nomination papers. Such nomination papers shall
32 be filed with the city clerk of Portland in Class 1; in each
33 other class such nomination papers shall be filed with the
34 clerk of the city or town therein accepting this act, which,
35 according to the latest United States census, had the largest

36 population. With such nomination papers shall also be filed
37 the consent in writing of the person or persons nominated.
38 All nomination papers, being filed and being in apparent
39 conformity with the foregoing provisions, shall be deemed
40 to be valid; and if not in apparent conformity, they may be
41 seasonably amended under oath. In case any candidate who
42 has been duly nominated under the provisions hereof shall
43 die before the day of election, or shall withdraw in writing,
44 the vacancy may be supplied in the manner herein provided
45 for such nominations. The name so supplied for the va-
46 cancy shall, if the ballots have not been printed, be placed
47 on the ballots instead of the original nomination; or, if
48 the ballots have been printed, new ballots containing the
49 new nomination shall, if practicable, be furnished, or slips
50 containing the new nomination shall be printed under the
51 direction of the town clerk, which may be pasted in proper
52 place upon the ballots and thereafter shall become part and
53 parcel of said ballots as if originally printed thereon.

Sect. 12. Par. 1. Ballots for election of directors of the
2 Portland Public Service District shall be made with four
3 columns for crosses to the right of the candidates' names,
4 and headed respectively, "first-choice," "second-choice,"
5 "third-choice" and "other-choices."

Par. 2. The face of the ballots shall be of the following
2 form:

OFFICIAL BALLOT

Candidates for Directors of the Portland Public Service

2 District at an election held on Monday, the of
3 A. D.

Instructions. To vote for any person, make a cross (X)
2 in the square in the appropriate column according to your
3 choice, at the right of the name voted for. Vote your first
4 choice in the first column; vote your second choice in the
5 second column; vote your third choice in the third column;
6 vote in the fourth column for all the other candidates whom
7 you wish to support; vote only one first choice, only one
8 second choice, and only one third choice for any one direc-
9 tor. Do not vote more than one choice for one person as
10 only one choice will count for any one candidate on this bal-
11 lot.

For Director of the Portland Public Service District	First Choice	Second Choice	Third Choice	Other Choices

Back of Ballot.

, Maine, Monday, A. D.

OFFICIAL BALLOT

(Facsimile of Signature)

City Clerk.

(Town)

Par. 3. As soon as the polls are closed, the proper offi-
2 cers shall immediately open the ballot boxes, take therefrom
3 and count the ballots in public view, and enter the total

4 number thereof on a tally sheet provided therefor by the
5 city or town clerk. They shall enter the number of the
6 first-choice, second-choice, third-choice, and other-choice
7 votes for each candidate on said tally sheet, and make re-
8 turn thereof to the city or town clerk on a blank by him
9 to be provided therefor. Only one vote shall be counted
10 for any candidate on any one ballot; all but the highest of
11 two or more choices on one ballot for one and the same can-
12 didate shall be void. If a ballot contains either first-choice,
13 second-choice or third-choice votes in excess of the num-
14 ber of offices to be filled, no vote in the column showing
15 such excess shall be counted. Except as hereinbefore, all
16 choices shall be counted as marked on the ballot.

Sect. 13. All returns of elections shall be filed with the
2 clerks of the same cities and towns wherein nomination pa-
3 pers are filed; as provided in section 11 of this act, and
4 upon receipt of all the returns the municipal officers of said
5 cities and towns shall determine the successful candidates
6 as hereinafter provided in this section.

The person receiving a majority, as hereinafter defined in
2 this section, of first-choice votes cast at an election for any
3 office shall be elected to that office, provided, that if no
4 candidate shall receive such a majority of the first-choice
5 votes for such office, then a canvass shall be made of the
6 second-choice votes received by each candidate for the of-
7 fice; said second-choice votes shall then be added to the
8 first-choice votes received by each candidate for the office,

9 and the candidate receiving the largest number of said first-
10 choice and second-choice votes combined, if such votes con-
11 stitute a majority, shall be elected thereto; and further pro-
12 vided, that, if no candidate shall have such a majority after
13 adding the first-choice and second-choice votes, then a can-
14 vass shall be made of the third-choice votes received for
15 each candidate for the office; said third-choice votes shall
16 then be added to the first-choice and second-choice votes
17 received by each candidate for the office, and the candidate
18 receiving the largest number of said first-choice, second-
19 choice and third-choice votes combined, if such votes con-
20 stitute a majority, shall be elected thereto; and provided
21 further, that if no candidate shall have such a majority aft-
22 er adding the first-choice, second-choice, and third-choice
23 votes, then a canvass shall be made of the other-choice
24 votes received by each candidate for the office, said other-
25 choice votes shall then be added to the first-choice, second-
26 choice and third-choice votes received by each candidate
27 for the office, and the candidate having the largest number
28 of first-choice, second-choice, third-choice, and other-choice
29 votes combined shall be elected to such office.

A tie between two or more candidate shall be decided in
2 favor of the one having the highest number of first-choice
3 votes. If they are also equal in that respect, then the high-
4 est number of second-choice votes shall determine the re-
5 sult. If they are still equal, then the highest number of
6 third-choice votes shall determine the result. If this does

7 not decide, then the tie shall be determined by lot, under the
8 direction of the city or town clerk.

Whenever the word “majority” is used in this section, it
2 shall mean more than one-half of the total number of valid
3 ballots cast at such election.

Sect. 14. The expenses of the Portland Public Service Dis-
2 trict elections after this amendment takes effect shall in the
3 first instance be chargeable to and paid by the city or town
4 in which the election is held, and so far as arising solely or
5 chiefly and directly from such elections shall be reimbursed
6 by the Portland Public Service District.

Sect. 15. The result of such election shall be declared by
2 said municipal officers and due certificate thereof filed with
3 the clerk of the municipalities referred to in section 13.
4 The term of office of the directors shall begin on said fourth
5 Monday of August. As soon as convenient after all the
6 members of said board have been so chosen, said directors
7 shall hold a meeting at the city council rooms in the city of
8 Portland to be called by one of said directors upon such
9 reasonable notice therefor as he deems proper. They shall
10 organize by the election of a president and a clerk, adopt a
11 corporate seal and when necessary may choose a treasurer
12 and all other needful officers and agents for the proper con-
13 duct and management of the affairs of said district. They
14 may also ordain and establish such by-laws as are necessary
15 for their own convenience and the proper management of
16 the affairs of the district. At said first meeting the direc-

17 tors so elected shall determine by lot the term of office of
18 each director so that one director shall retire each year and
19 whenever the term of office of a director expires his suc-
20 cessor shall be elected by a vote by the class which elected
21 him and upon nomination made as herein provided for the
22 first election of directors, and for the purpose of such elec-
23 tion, a special election shall be called and held on the fourth
24 Monday of May in each year in the class wherein such di-
25 rector is to be elected, the same to be called in the manner
26 herebefore provided for the first election of directors. The
27 directors so elected shall serve the full term of seven years ;
28 and in case any vacancy arises in the membership of the
29 board of directors it shall be filled in like manner, for the
30 unexpired term, by special election to be called by the mu-
31 nicipal officers of the class wherein the election is to be held.
32 When any director ceases to be a resident of the class by
33 which he was elected he vacates such office of director and
34 the vacancy shall be filled as aforesaid. All such directors
35 shall be eligible to re-election, but no person holding a mu-
36 nicipal office in either of said cities or towns shall be eligible
37 to election as director.

Sect. 16. Said directors may procure an office and incur
2 such expenses as may be necessary. Each member shall re-
3 ceive in full compensation for his services an allowance of
4 five hundred dollars per annum. At the close of each fiscal
5 year the directors shall make a detailed report of their do-
6 ings, of the receipts and expenditures of said public service

7 district, of its financial and physical condition, and of such
8 other matters and things pertaining to said district as shall
9 show the inhabitants of said district how said directors are
10 fulfilling the duties and obligations of their trust, such re-
11 ports to be made and filed with the municipal officers of
12 the cities and towns composing the district.

Sect. 17. Said public service district is hereby authorized
2 and empowered to acquire by purchase or by the exercise
3 of the right of eminent domain, which right is hereby ex-
4 pressly delegated to said district for said purpose, the entire
5 plants, properties, franchises, rights and privileges (or such
6 parts thereof as may be deemed advisable by the directors)
7 of the Cumberland County Power & Light Company, Port-
8 land Railroad Company, Portland & Cape Elizabeth Rail-
9 way Company, Portland & Yarmouth Electric Railway
10 Company, Cape Shore Railway Company and Westbrook
11 Electric Company, except their cash assets, including all
12 leases and rights, powers and privileges thereunder, all
13 stock in other companies, power plants, lands, buildings,
14 waters, water rights, machinery, fixtures and all apparatus
15 and appliances owned, controlled or operated by said com-
16 panies. Said companies are hereby authorized to sell and
17 transfer their respective franchises and properties or inter-
18 ests to said public service district. Said franchises, proper-
19 ties and interests may (if deemed advisable by the direc-
20 tors) be taken subject to debenture bonds, mortgages, liens
21 and encumbrances thereon, which debenture bonds, mort-

22 gages, liens and encumbrances shall be assumed and paid
23 by said Portland Public Service District.

Sect. 18. The right to acquire real and personal property,
2 rights and privileges hereunder, by eminent domain (ex-
3 cept as specified in section 3 of this act) is restricted so far
4 as public service corporations are concerned to those speci-
5 fied in section 17 hereof.

Sect. 19. Said district is hereby authorized to acquire the
2 interest of any of said persons, firms or companies in and
3 to any and all sinking funds existing at the time of acquir-
4 ing their respective plants, properties or franchises or in-
5 terests therein, to secure the payment of any outstanding
6 obligations assumed by said district because of the provi-
7 sions of this act; and for the purpose of determining the
8 fair value of said sinking funds three disinterested persons
9 shall be selected, one by the directors of the Portland Pub-
10 lic Service District, and one by the Cumberland County
11 Power & Light Company, and the two so selected shall se-
12 lect a third, and the decision of said appraisers, or a ma-
13 jority thereof, as to such values, shall be conclusive and
14 binding upon all the parties aforesaid.

Sect. 20. Where the said directors fail to agree with either
2 of said companies upon terms of purchase on or before
3 November 1st, 1919, then said district, through its direc-
4 tors, is hereby authorized to take all the plants, properties
5 and franchises of such companies so failing to agree, sub-
6 ject, however, to all mortgages, liens and encumbrances

7 thereon as stated in section seventeen as for public uses, by
8 a petition therefor in the manner hereinafter provided,
9 wherein such companies and their mortgagees shall be the
10 parties defendant. And said Public Service District, through
11 its directors, is hereby authorized on or before November
12 fifteenth, nineteen hundred and nineteen, to file a petition
13 in the clerk's office of the supreme judicial court for the
14 county of Cumberland in term time or vacation, addressed
15 to any justice thereof, who, after notice to said defendant
16 companies and their mortgagees, shall, after hearing and
17 within sixty days after the filing of said petition, appoint
18 three disinterested appraisers, none of whom shall be resi-
19 dents of the county of Cumberland, one of whom shall be
20 learned in the law, for the purpose of fixing the valuations
21 respectively of the plant, property and franchises of each
22 of said defendant companies described in section seventeen
23 of this act. The time for so appointing said appraisers may
24 be extended by the court an additional thirty days. Said
25 petition shall not be dismissed after filing, but may and
26 shall be amended in any manner required to enable the court
27 to make all necessary decrees thereon. At the hearing afore-
28 said, such justice, upon motion of the petitioner, if the same
29 are not voluntarily produced, may order under proper terms
30 the production for inspection by the petitioner, of all books
31 and papers pertinent to the issues to be heard by said ap-
32 praisers. The said appraisers shall have the power of com-
33 pelling attendance of witnesses and the production of books

34 and papers pertinent to the issue and may administer oaths ;
35 and any witnesses or person in charge of such books or pa-
36 pers refusing to attend or to produce the same shall be
37 subject to the same penalties and proceedings, so far as ap-
38 plicable, as witnesses summoned to attend the supreme ju-
39 dicial court. Depositions may be taken as in civil actions.
40 The report of a stenographer, appointed by the appraisers,
41 certified by said appraisers as correct, shall be filed with
42 the award to be made by said appraisers and shall be legal
43 evidence of all proceedings so reported. The appraisers so
44 appointed, shall, after due notice and hearing, fix the re-
45 spective valuations of the plants, properties and franchises
46 of said defendant companies as described in section seven-
47 teen of this act at what they are fairly and equitably worth,
48 so that said defendant companies shall severally receive
49 just compensation for all the same. The date of "taking"
50 shall be the date as of which the valuations aforesaid shall
51 be fixed, from which date interest on said award at the rate
52 of six per cent. per annum shall run and all rents and profits
53 accruing thereafter shall belong to said public service dis-
54 trict. The report of said appraisers or of a majority of
55 them, shall be filed in said clerk's office within six months
56 after their appointment, unless the time is extended by the
57 court for cause. After said report is filed, such single jus-
58 tice, so appointing said appraisers, or in case of his inability
59 to act, then any justice designated for the purpose, by the
60 chief justice, may, after notice and hearing, confirm or re-

61 ject the same or recommit, if justice so requires, and in case
62 of such rejection or recommittal such justice may order
63 new hearing and new report thereon. The award of the
64 appraisers shall be conclusive as to valuations. Upon the
65 confirmation of their report, the court so sitting, in term
66 time or vacation, shall thereupon, after hearing, make final
67 decree upon the whole matter, including transfer of the
68 properties and franchises, jurisdiction over which is hereby
69 conferred with the same power to enforce said decree as in
70 equity cases. All the costs and expenses arising under such
71 petition and appraisal shall be paid and borne as directed
72 by the court in said final decree. The findings of such jus-
73 tice as to such costs and expenses and their apportionment
74 shall be final. In all other matters the justice so making
75 such final decree, shall, upon request of any of the parties,
76 make separate findings of law and fact. All such findings of
77 fact shall be final, but any party aggrieved may take ex-
78 ceptions to any rulings of law so made, the same to be ac-
79 companied only by such parts of the case as are necessary
80 to a clear understanding of the questions raised thereby.
81 Such exceptions shall be claimed on the docket within ten
82 days after such final decree is signed, entered and filed, and
83 notice thereof has been given by the clerk to the parties or
84 their counsel, and said exceptions so claimed shall be made
85 up, allowed and filed within said time unless further time
86 is granted by the court or by agreement of the parties.
87 They shall be entered at the next term of the law court

88 to be held after the filing of such exceptions and there-
89 heard unless otherwise agreed, or the law court shall for
90 the good cause order a further time for hearing thereon
91 Upon such hearing the law court may confirm, reverse or
92 modify the decree of the court below, or remand the cause
93 for further proceedings as it seems proper. During the
94 pendency of such exceptions the cause shall remain on the
95 docket of the court below marked "law" and decree shall
96 be entered thereon by a single justice, in term time or in
97 vacation, in accordance with the certificate and opinion of
98 the law court. Before the aforesaid plants, properties and
99 franchises, or any of them, are transferred in accordance
100 with such final decree, and before the payment therefor,
101 the court sitting in said county of Cumberland, by a single
102 justice thereof, as hereinbefore provided, shall, upon no-
103 tion of any party, after notice and hearing, take account
104 of all receipts and expenditures properly had and incurred
105 by each of said companies belonging to the period from
106 and after November first, nineteen hundred and nineteen,
107 and all net rents and profits accruing thereafter, and shall
108 order the net balance due to any party to be added to or
109 deducted from the amount to be paid under said final de-
110 cree as the case may be. All findings of law or fact by
111 such single justice at such hearings shall be final. On
112 payment or tender by said public service district of the
113 amounts so fixed and the performance of all other terms
114 and conditions so imposed by the court, the entire plants,

115 properties, and franchises respectively of said companies
116 as described in section seventeen, shall become vested in
117 said public service district, subject to all liens, mortgages
118 and encumbrances theretofore created by said companies,
119 or either of them. After the filing of said petition it shall
120 not be discontinued or withdrawn by said public service
121 district, and the said companies, or either of them, may
122 thereafterwards cause said valuations to be made as here-
123 in provided, and shall be entitled to appropriate process
124 to compel said public service district to perform the terms
125 of the final decree and to pay for said plants, properties
126 and franchises in accordance therewith. If a vacancy oc-
127 curs at any time in said board of appraisers, from any
128 cause, any justice of the supreme judicial court, sitting in
129 said county of Cumberland, may, in term time or in vaca-
130 tion, after notice and hearing, appoint a new appraiser or
131 appraisers, and make all such orders for hearing said cause
132 by the appraisers, anew or for any extension of time for
133 making their award, or otherwise, as the circumstances of
134 the case may require.

Sect. 21. All valid contracts existing between said com-
2 panies, depending on property or franchises taken here-
3 under, and any persons, firms or other companies shall be
4 assumed and carried out by said Portland Public Service
5 District, except in so far as the same may conflict with
6 the powers herein granted.

Sect. 22. For accomplishing the purpose of this act, said

2 public service district, through its directors, is authorized
3 to borrow money temporarily and to issue therefor the in-
4 terest-bearing negotiable notes of the district, and for the
5 purpose of refunding the indebtedness so created, of paying
6 any necessary expenses and liabilities, incurred under the
7 provisions of this act, including the expenses incurred in
8 the creation of the district, in acquiring the properties and
9 franchises specified in this act, by purchase or otherwise,
10 of the purchase or acquisition of the said properties and
11 franchises, of assuming and paying the mortgages, liens
12 and encumbrances thereon as provided in section twelve of
13, this act, taking property or rights, paying damages, con-
14 structing, maintaining and operating its properties and
15 making renewals, extensions, additions and improvements
16 to the same; the said public service district, through its di-
17 rectors, to an amount or amounts necessary in the judg-
18 ment of the directors therefor. Said notes and bonds shall
19 be legal obligations of said public service district, which is
20 hereby declared to be a quasi municipal corporation within
21 the meaning of section one hundred five, chapter fifty-one
22 of the revised statutes of 1916, and all the provisions of
23 said section shall be applicable thereto. The said notes and
24 bonds shall be legal investments for savings banks.

Sect. 23. All revenue of said public service district shall
2 be paid to the treasurer of the district, charges for the ser-
3 vices furnished to be established by the directors. Said

4 charges shall be so established as to provide revenue for the
5 following purposes:

I. To pay the current expenses for operating and main-
2 taining the service system.

II. To provide for the payment of the interest on the in-
2 debtedness created or assumed by the district.

III. To provide each year a sum equal to not less than
2 one nor more than five per cent. of the entire indebtedness
3 created or assumed by the district, which sum shall be
4 turned into a sinking fund and there kept to provide for the
5 extinguishment of such indebtedness. The money set aside
6 for the sinking fund shall be devoted to the retirement of
7 the obligations of the district or invested in such securities
8 as savings banks are allowed to hold.

IV. To make improvements, renewals and additions if
2 deemed advisable in preference to providing for same by
3 notes or bonds.

V. If any surplus remains at the end of any year, it may
2 in the discretion of the directors be divided between the
3 municipalities composing the district in such proportions as
4 their respective populations bear to each other according
5 to the latest United States census.

Sect. 24. All incidental powers, rights and privileges nec-
2 essary to the accomplishment of the main objects herein set
3 forth are granted to the public municipal corporation here-
4 by created.

Sect. 25. Said public service district is hereby authorized

2 and empowered to cross any public bridges within its sphere
3 of operation, the terms and conditions of crossing to be de-
4 termined by the Public Utilities Commission; and the said
5 district is empowered to erect and maintain bridges across
6 tide waters, lakes, ponds and navigable rivers and streams,
7 which its conveyances may cross, provided that they shall
8 be so constructed as not to unnecessarily obstruct the navi-
9 gation of such waters.

Sect. 26. This act so far as it includes the territory and
2 people constituting the cities of Westbrook and South Port-
3 land and the towns of Cape Elizabeth, Scarborough, Gorham,
4 Windham, Yarmouth, Cumberland and Falmouth, as a part
5 of said Portland Public Service District as provided in sec-
6 tion 1, shall not take effect respectively as to said cities
7 and towns unless accepted and approved by a majority vote
8 of the legal voters respectively of said cities and towns, vot-
9 ing at elections to be specially called and held for the pur-
10 pose on the first Monday of August, nineteen hundred and
11 nineteen. Such special election shall be called, advertised
12 and conducted according to the law relating to municipal
13 elections, provided, however, that the board of registration
14 in each of said cities shall not be required to prepare for
15 posting or the city clerk to post a new list of voters, and
16 for the purpose of registration of voters said board shall be
17 in session the three secular days next preceding such elec-
18 tions, the first two days thereof to be devoted to registra-
19 tion of voters and the last day to enable the boards to ver-

20 ify the corrections of said lists and to complete and close
21 up their records of said sessions. The several clerks of
22 said cities and towns shall reduce the subject matter of this
23 act to the following question: 'Shall the act to incorporate
24 the Portland Public Service District be accepted?' and the
25 voters shall indicate by a cross placed over the words 'Yes'
26 or 'No' their opinion of the same. The result in each city
27 or town shall be declared by the municipal officers thereof
28 and due certificate thereof filed by the city or town clerk
29 with the secretary of state and also with the city clerk of
30 the city of Portland. Should either of said cities or towns
31 fail to accept this act, then the territory and people within
32 such city or cities or towns shall not be a part of said Port-
33 land Public Service District, but said public service district
34 shall possess all the powers and privileges hereinbefore
35 named within said territory as fully and completely as it
36 could have done had this act been accepted therein. This
37 act shall not take effect unless it shall be accepted by either
38 of said cities of Westbrook or South Portland in addition
39 to its acceptance by the city of Portland, as hereinafter pro-
40 vided.

Sect. 27. This act, subject to the provisions of section
2 twenty-seven, shall take effect when approved by a majority
3 vote of the legal voters of the city of Portland voting at an
4 election to be specially called and held for the purpose on
5 the first Monday of August, nineteen hundred and nine-
6 teen. Such special election shall be called, advertised and

7 conducted according to the law relating to municipal elec-
8 tions, provided, however, that the board of registration shall
9 not be required to prepare for posting or the city clerk to
10 post a new list of voters and for the purpose of registra-
11 tion of voters said board shall be in session the three secu-
12 lar days next preceding such election, the first two days
13 thereof to be devoted to registration of voters and the last
14 day to enable the board to verify the corrections of said
15 lists and to complete and close up its records of said ses-
16 sions. The city clerk shall reduce the subject matter of this
17 act to the following question: 'Shall the act to incorporate
18 the Portland Public Service District be accepted?' and the
19 voters shall indicate by a cross placed over the words 'Yes'
20 or 'No' their opinion of the same. The result shall be de-
21 clared by the mayor and aldermen and due certificate there-
22 of filed by the city clerk with the secretary of state.

Sect. 28. All acts or statutes special or general inconsistent
2 herewith are hereby repealed, so far as affecting this act is
3 concerned.