

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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**Legislative Document**

**No. 1411**

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H. P. 972 House of Representatives, February 14, 1963  
Received by unanimous consent. Referred to Committee on Public Utilities.  
Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Townsend of Baileyville.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT to Incorporate the Baileyville Water District.**

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**Emergency preamble.** Whereas, there is need of improved fire protection and an increased supply of pure water for drinking, sanitary and other purposes in the Town of Baileyville; and

Whereas, additional water supply sources must be developed and major alterations, improvements and extensions made to said water supply system; and

Whereas, an adequate supply of pure water is essential to the health and well-being of the inhabitants of the Town of Baileyville; 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. Territorial limits; name; purposes.** The inhabitants of and territory within the Town of Baileyville shall be and hereby are constituted a body politic and corporate by the name of "Baileyville Water District" for the purpose of supplying the inhabitants of said district with pure water for domestic, sanitary, agricultural, commercial, industrial and municipal purposes, including the extinguishment of fires.

**Sec. 2. Source of supply.** The said water district, for the purposes of its incorporation, is authorized to take, hold, divert, collect, store, flow, use, detain and distribute to and in the Town of Baileyville water from any surface or

underground lake, pond, river, brook, stream, spring, vein of water or other water source in said Town of Baileyville or from such other source of supply as is approved by the Department of Health and Welfare.

**Sec. 3. May exercise eminent domain.** The said district, for the purposes of its incorporation, is authorized to take and hold, as for public uses, by purchase or otherwise, including by right of eminent domain, in the Town of Baileyville any lands or interests in land or water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining aqueducts and other structures for taking, distributing, discharging and disposing of water and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

The said district is authorized to lay in and through the streets, roads, ways and highways of the Town of Baileyville and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway it shall cause the same to be done with as little obstruction as practicable to the public travel; and shall at its own expense without unnecessary delay cause the earth and pavement removed by it to be replaced in proper condition.

The said district is authorized for the purposes of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. Nothing herein contained shall be construed as authorizing said water district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty, unless expressly authorized thereto herein or by subsequent act of the Legislature, or as provided in section 9.

**Sec. 4. Procedure in exercising right of eminent domain and adjustment of damages.** After the original acquisition, for which provision is made in sections 9 and 10, the said district in exercising, from time to time, any right of eminent domain conferred upon it by law or through or under the franchise of any water company by it acquired shall file written application with the Public Utilities Commission requesting its approval of the proposed taking. Such application shall describe the property or rights to be taken, the purpose of the taking, and shall name all parties who may be interested therein. The commission thereupon shall appoint a time for a hearing near the premises and shall require such notice as the commission may direct to be given to the persons interested at least 14 days before the date of the hearing. The commission then shall view the premises, hear the parties and shall determine how much, if any, of the property described in the petition should be taken for the reasonable purposes of the water district and for the safe, economical and efficient furnishing of an adequate water supply. In authorizing any taking, the commission may attach such reasonable terms, limitations and restrictions as justice may require. If the commission shall find that any of the property described in the application is necessary for the aforesaid purposes of the district, it shall make

a certificate containing a definite description of the property to be taken, and of any terms, restrictions and limitations in connection therewith, and shall furnish to the district a true copy thereof, attested by the clerk of the commission. When such copy of the certificate is filed with the clerk of courts in the county where property lies, the property shall be deemed and treated as taken; provided, however, that when property is held by a tenant for life and the reversion is contingent as to the persons in whom it may vest at the termination of the life estate, such fact shall be stated in the application and the commission, in addition to the notice of the tenant for life, shall require notice by publication, in such manner as it may deem proper, to all others interested. Entry may be made on any private land prior to the filing of any such application for the purpose of making surveys, the district being responsible for any damage resulting from such entry, and possession may be had of the property described in the certificate of the commission forthwith upon the filing and recording of such certificate as hereinbefore provided, but title to such property shall not vest in the district until payment therefor has been made.

If any person sustaining damages by any taking as aforesaid shall not agree with the district upon the sum to be paid therefor, either party upon petition to the county commissioners of Washington County may have such damages assessed by them. The procedure and all subsequent proceedings and rights of appeal therefrom shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

**Sec. 5. Procedure if public utility must be crossed.** In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said district, the public utilities commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the district.

**Sec. 6. Trustees and officers, tenure of office; election to office, organization; vacancies, compensation; special meetings.** All of the affairs of said district shall be managed by a board of 3 trustees, residents therein, who shall be chosen as hereinafter provided.

As soon as may be after acceptance of this act, the town manager with the approval of the town council of the Town of Baileyville shall appoint 3 trustees of said district to hold office as follows: One to serve until the first annual meeting of said town following the acceptance of this act; one to serve until the 2nd annual meeting of said town following such acceptance; and one to serve until the 3rd annual meeting of said town following such acceptance. At each annual meeting of said town, beginning with the first annual meeting after acceptance of this act, one trustee shall be elected by ballot as hereafter provided to serve until the annual meeting of said town occurring 3 years thereafter and until his successor is elected and qualified. When any trustee ceases to be a resident of said district, he vacates his office as trustee. All trustees, if residents of said district, shall be eligible for reelection or reappointment as hereafter provided.

All nominations of candidates to be elected as trustees under this act shall be made by nomination papers signed in the aggregate for each candidate by no less than 20 qualified voters resident in said district. Each voter signing a nomination paper shall make his signature in person, and each voter may subscribe to only one nomination. Such nomination papers, before being filed shall be submitted to the town clerk of the Town of Baileyville, who shall forthwith certify thereon what number of the signatures are names of qualified voters resident in said district; one of the signers to each such separate paper shall swear to the truth thereof, and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with the town clerk of said Town of Baileyville at least 7 days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers, being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid; and if not in apparent conformity they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, or shall remove his place of residence from said district, the vacancy may be supplied in the manner herein provided for such nominations, except that the time limit for filing such nomination papers shall not apply. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or if the ballots have been printed, new ballots containing the new nomination, shall, if practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the town clerk, which shall be pasted upon the ballots and over the name of the candidate whose nomination has been vacated as aforesaid, and thereafter shall become part of said ballots as if originally printed thereon. The ballot in said district shall contain the names of all candidates so nominated in such district alphabetically arranged, printed in one column under the heading, "For Trustee of the Baileyville Water District". Above such heading shall be printed "Vote for One. Make a cross or check mark to the right of the name of the candidate voted for." One blank space shall be left after the name of the candidates in which the voter may by writing insert the name of any person for whom he desires to vote. In preparing his ballot the voter shall mark a cross (X) or check mark (V) against and to the right of the name of the candidate for whom he desires to vote. If the voter shall desire to vote for any person whose name is not printed on the ballot, he may fill in such name in the blank space left therefor by writing the same therein, or by using a sticker containing such new name. Where the voter so adds by writing such name his vote for such person shall be counted therefor; although he may fail to mark a cross or check mark against the same. At each annual meeting of said Town of Baileyville balloting for trustee of said district shall take place concurrently with balloting for municipal officers of said town, but separate ballots shall be provided for the balloting for trustee of the district as hereinbefore provided. The result of such election shall be declared by the town council of the town of Baileyville and due certificate thereof filed with the town clerk and with the clerk of the district. The district shall reimburse the town for the expense of any district election.

As soon as convenient after their appointment, the first board of trustees shall hold a meeting at some convenient place in the district, to be called by any member thereof in writing, designating the time and place and delivered in hand to the other 2 members not less than 2 full days before the meeting; provided, however, that they may meet by agreement without such notice. At this original meeting the trustees shall organize by electing from their own members a chairman, a treasurer and a clerk and adopting a corporate seal. The trustees may adopt and establish bylaws, consistent with the laws of the State of Maine and necessary for their own convenience and the proper management of the affairs of the district, and perform any other acts within the powers delegated to them by law.

Within one week after each annual election, the trustees shall meet for the purpose of electing a chairman, treasurer and clerk to serve for the ensuing year and until their successors are elected and qualified. The trustees from time to time may choose and employ, and fix the compensation of, any other necessary officers and agents who shall serve at their pleasure. The treasurer shall furnish bond in such sum and with such sureties as the trustees shall approve, the cost thereof to be paid by the district.

Members of the board of trustees shall be eligible to any office under the board. The trustees, as such, shall serve without compensation; but the treasurer may be allowed such compensation as the trustees shall determine.

The trustees shall be sworn to the faithful performance of their duties as such which shall include the duties of any member who shall serve as clerk or clerk pro tem. They shall make and publish an annual report, including a report of the treasurer, and such report may be included in, and published as part of, the town report.

Vacancies in the office of trustee from whatever cause shall be filled by appointment by the remaining trustees until the next annual election. If at any annual election there shall exist a vacancy in an unexpired term, a trustee shall be elected to fill such vacancy for such unexpired term, and the voters of the district shall cast their ballots as hereinbefore prescribed, voting for as many candidates as there are offices to be filled.

Special meetings of the district may be called by the board of trustees at any time, and notice of special meetings, stating the place and time thereof and the business to be transacted thereat, shall be signed by the chairman or clerk of the board of trustees, and shall be conspicuously posted in at least 2 public places within the district, not less than 7 days, exclusive of Sundays, before the meeting. Any such meeting may be adjourned from time to time by vote of the qualified voters present thereat, though less than a quorum, and without notice of the time and place of the adjourned session, other than announcement at the meeting. Eleven persons qualified to vote in such meetings shall constitute a quorum. For the holding of any such special meeting of the district, the trustees of said district shall have the same powers, and perform the same duties, as otherwise are exercised and performed by selectmen of towns in correcting and preparing lists of persons qualified to vote, and for that purpose shall be in session at a place designated by the trustees between the hours of 10 o'clock

in the forenoon and 12 o'clock noon on the secular day before the date of the meeting. All meetings of the district shall be presided over by a moderator chosen in the same manner and with the same authority as moderators of town meetings. All persons resident in said district and qualified to vote for Governor under the laws of the State shall be entitled to vote at any meeting of the district.

**Sec. 7. District and town authorized to make contracts.** Said district, through its trustees, is authorized to contract with persons and corporations, for the securing of a supply, as well as the supplying, of water for all uses and the general management of its facilities, including but not limited to the Town of Baileyville, and said Town of Baileyville is authorized to contract with it for the supply of water for municipal purposes.

**Sec. 8. Authorized to acquire property and franchises of Woodland Water & Electric Co.** The said district, through its trustees, is hereby authorized to acquire by purchase all of the entire plant, properties, franchises, rights and privileges owned by Woodland Water & Electric Co. located within the Town of Baileyville, only insofar as the same pertains to said water system, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in said district. Said water district is further authorized and empowered to acquire by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by Woodland Water & Electric Co., situate in the Town of Baileyville, only insofar as the same pertains to said water system, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances used or usable in supplying water in the Town of Baileyville, and if and when so acquired, the said district, in addition to the powers conferred by this act, shall have and enjoy and be entitled to exercise all the rights, privileges and franchises of said Woodland Water & Electric Co., only insofar as the same pertains to said water system, and may do and perform any and all the acts and things authorized by the original charter of Woodland Light and Water Company insofar as the same relates to the taking, using, selling and distributing of water, as acquired by said Woodland Water & Electric Co., and insofar as they are not inconsistent with the provisions of this act. Said Woodland Water & Electric Co. is authorized to sell, transfer and convey its said franchises and property to said water district.

**Sec. 9. Procedure in case trustees and Woodland Water & Electric Co. fail to agree on terms of purchase.** In case the said trustees fail to agree with the Woodland Water & Electric Co. upon terms of purchase, then said water district, through the trustees aforesaid, is hereby authorized to take said properties, interest and franchise of said Woodland Water & Electric Co. as set forth in section 8, in the manner hereinafter provided wherein the Woodland Water & Electric Co. and its mortgagees, if any, or those having an interest in any realty which is of record, shall be the parties defendant. Said water district, through its trustees, is hereby authorized to file a petition in the clerk's office of the Superior Court for the County of Washington, addressed to any justice thereof who, after notice to said defendant aforesaid, shall, after hearing and

within 60 days after the filing of said petition, appoint 3 disinterested appraisers at least one of whom shall be learned in the law and none of whom shall have residence in Washington County, for the purpose of fixing the valuations of the plant, property and franchises of said Woodland Water & Electric Co. described in section 8. The court may order under proper terms the production for inspection by the trustees or the said appraisers of all books and papers pertaining to the issue on petition for same by the petitioner unless same are voluntarily produced. The said appraisers shall have the power to administer oaths. The appraisers so appointed shall, after due notice and hearing, fix the valuation as of the date of filing said petition of said plants, properties and franchises at what they were fairly and equitably worth so that said water company shall receive just compensation for same. The report of said appraisers or of a majority of them, together with the report of a stenographer certified by said appraisers as correct, shall be filed in said clerk's office within 6 months after their appointment and any Justice of the Superior Court may after notice and hearing confirm or reject the same or recommit it if justice so requires. Upon the confirmation of said report, the court so sitting shall thereupon make final decree upon the entire matter including the application of the purchase money and transfer of the property, jurisdiction over which is hereby conferred, and with the power to enforce said decree as in equity cases. All findings of fact by said court and the appraisers shall be final, but any party aggrieved may take exceptions as to any matters of law, the same to be accompanied by so much of the case as may be necessary to a clear understanding of the question raised thereby. Such exception shall be claimed on the docket within 10 days after such final decree is signed, entered and filed and notice thereof has been given by the clerk to the parties and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of the parties. They shall be entered at the next term of the law court to be held after the filing of such exceptions and there heard, unless otherwise agreed, or the law court for good cause shall order further time for hearing thereon. On payment or tender by said district of the amount determined by the final decree and the performance of all other terms and conditions imposed by said court, the said plant, properties and franchises of Woodland Water & Electric Co. as described in section 8 shall become vested in Baileyville Water District.

**Sec. 10. Valid contracts of water company to be assumed by district.** All valid contracts now existing between Woodland Water & Electric Co. and any person or corporations for supplying water in the Town of Baileyville shall be assumed and carried out by said Baileyville Water District.

**Sec. 11. Authorized to negotiate temporary loans; and to issue notes and bonds; declared a quasi-municipal corporation; notes and bonds legal investments for savings banks.** For accomplishing the purpose of this act, said district, by vote of its board of trustees, without district vote except as hereinafter provided, is hereby authorized to borrow money temporarily and to issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses and liabilities in-



curred in the creation of the district, and in acquiring properties, paying damages, laying pipes, mains and conduits, purchasing, constructing, maintaining and operating a water system and making renewals, additions, extensions and improvements to such system and to cover interest payments during any period of construction, said Baileyville Water District, by votes of its board of trustees, without district vote except as hereinafter provided, is also hereby authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided, however, that the total indebtedness of said district at any one time outstanding shall not exceed the sum of \$500,000 and provided, further, that in the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, except for the original acquisition of property of Woodland Water & Electric Co., for the cost of a water system or part thereof, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate included in any one financing is \$50,000 or more, but not for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt and of the general purpose or purposes for which it was authorized shall be given by the clerk by publication at least once in a newspaper having a general circulation in the Town of Baileyville. No debt may be incurred under such vote of the trustees until the expiration of 7 full days following the date on which such notice was first published. Prior to the expiration of said period, the trustees may call a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized, and the trustees shall call such a special district meeting, if within 7 days following the publication of the said notice, there shall have been filed with the clerk of the district a petition or petitions signed by not less than 20 qualified voters of the district requesting that such a special district meeting be called. If at such district meeting a majority of voters present and voting thereon expresses disapproval of the amount of debt authorized by the trustees, the said debt shall not be incurred and the vote of the trustees authorizing the same shall be void and of no effect. Said bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 1% of the face amount of the issue and beginning not later than 2 years from the date thereof, or made to run for such periods as the trustees may determine, but no issue thereof shall run for a longer period than 40 years from the date of original issue thereof. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity, and if callable may be made callable at par or at premium as the trustees may determine. All bonds, notes or other evidences of indebtedness shall have inscribed upon their face the words "Baileyville Water District", shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district, and if coupon bonds are issued, the interest coupons attached thereto shall bear the facsimile of the signature of the treasurer. All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district which is hereby declared to be a quasi-municipal corporation within the meaning of the Revised Statutes of 1954, chapter 90-A, section 23, as enacted by the

public laws of 1957, chapter 405, section 1, as amended, and all provisions of said section shall be applicable thereto. The said district may, from time to time, issue its bonds, notes and other evidences of indebtedness, for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue shall constitute a separate loan. All bonds, notes and evidences of indebtedness issued by said district shall be legal investments for savings banks in the State of Maine and shall be tax exempt. The said district is hereby authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce the provisions of this act. All notes and bonds with the maturity of more than one year shall be first approved by the Public Utilities Commission.

**Sec. 12. Property tax exempt.** The property of said district shall be exempt from all taxation by the Town of Baileyville.

**Sec. 13. Water rates, application of revenue; sinking fund.** All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the territory supplied by the district and subject to approval of the Public Utilities Commission. Said rates shall be so established as to provide revenue for the following purposes:

**I.** To pay current expenses for operating and maintaining the water system, and provide for such extensions and renewals as may become necessary.

**II.** To provide for the payment of the interest on the indebtedness created by the district.

**III.** To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligation of the district or invested in such securities as savings banks are allowed to hold. The trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the district so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year.

**IV.** If any surplus remains at the end of the year, it may be turned into the sinking fund.

In case any of said bonds or notes are made to run for a period of years, a sinking fund shall be established by the trustees of said district for the purpose of redeeming said bonds or notes when they become due and a sum equal to not less than 1% of the aggregate principal of the outstanding bonds or notes issued on account of or in behalf of said district, as aforesaid, shall be turned into

said sinking fund each year to provide for the final extinguishment of said district funded debt.

The money set aside for the sinking fund shall be devoted to the retirement of said notes and bonds, and shall be used for no other purposes, and shall be invested in such securities as savings banks are allowed to hold.

Whenever any bonds of said district become due, or can be purchased by said trustees on favorable terms, said trustees may, if sufficient funds have accumulated in said sinking fund, redeem or purchase said bonds, and cancel them. In no case shall bonds so cancelled or redeemed be reissued.

In case the amount in said sinking fund shall not be sufficient to pay the total amount of the bonds falling due at any one time, authority to issue new bonds sufficient to redeem so many of said bonds as cannot be redeemed from the sinking fund is hereby granted to said trustees.

**Sec. 14. Incidental powers granted.** All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are granted to the corporation hereby created.

**Sec. 15. Separability.** It is the intention to confer the whole or any part of the powers herein provided for, and if any of the powers or provisions, or part thereof, are for any reason illegal, the remaining powers or provisions, or part thereof shall remain in full force and effect.

**Sec. 16. Act void unless property of water company is acquired.** If said water district shall fail to purchase or file its petition to take by eminent domain, before November 1, 1967, the said plant, properties, franchises, rights and privileges owned by Woodland Water & Electric Co. and used or usable in supplying water in the Town of Baileyville, then this act shall become null and void.

**Sec. 17. Costs and expenses of taking, directed by court.** All costs and expenses of the taking of the property of Woodland Water & Electric Co. arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section 9. The fees and expenses of the appraisers shall be paid in like manner as those of masters in chancery.

**Sec. 18. Existing statutes not affected; rights conferred subject to provisions of law.** Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute, and all rights and duties herein mentioned, shall be exercised and performed in accordance with all the applicable provisions of the Revised Statutes of 1954, chapter 44, and all acts amendatory thereof or additional thereto.

**Sec. 19. Local referendum; effective date; certificate to Secretary of State.** In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the Town of Baileyville at an annual or special town meeting. Such special meeting shall be called, advertised and conducted by the municipal officers of said town according to the law relating to municipal elections; provided, however, that the board of registration in said town shall not be required to prepare for posting, nor the town clerk to post, a new list of voters, and for the purpose

of registration of voters said board shall be in session on the 3 secular days next preceding such special meetings, the first and 2nd days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of such session. The town clerk shall prepare the required ballots on which he shall reduce the subject matter of this act to the following question: "Shall the Act to Incorporate the Baileyville Water District, passed by the 101st Legislature, be accepted?" The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said annual or special meeting; provided that in the case of a special meeting the total number of votes cast for and against the acceptance of this act at said meeting equals or exceeds 10% of the total vote for all candidates for Governor in said town at the next previous gubernatorial election, but nothing in this section should be construed to prevent submitting this act for acceptance at any annual or special town meeting held within 3 years from the effective date hereof as provided in this section, notwithstanding an earlier vote against such acceptance. The result of each such vote shall be declared by the municipal officers and due certificate thereof filed by the town clerk with the Secretary of State.