

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 (EMERGENCY)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TENTH LEGISLATURE
6

7 **Legislative Document**

No. 1954

9 H. P. 1985 House of Representatives, February 10, 1982
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 27.

10 Referred to the Committee on Public Utilities. Sent up for concur-
rence and ordered printed.

Presented by Representative Webster of Farmington. EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 AN ACT to Incorporate the Farmington Falls
18 Water District.
19

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

23 Whereas, uninterrupted collection and distribution of
24 water is essential to the health and welfare of inhabitants
25 of Chesterville and Farmington; and

26 Whereas, interruption of service is imminent if
27 improvements are not made; and

28 Whereas, the Farmington Falls Company has not adequate-
29 ly maintained the system for the past 30 years; and

30 Whereas, the formation of the water district is
31 urgently needed to assure that the collection and distribu-
32 tion of water is not interrupted; and

1 Whereas, the water district may apply and receive
2 grants-in-aid to assure continual uninterrupted water ser-
3 vice; and

4 Whereas, in the judgment of the Legislature, these
5 facts create an emergency within the meaning of the Consti-
6 tution of Maine and require the following legislation as
7 immediately necessary for the preservation of the public
8 peace, health and safety; now, therefore,

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

10 **Sec. 1. Territorial limits; corporate name and pur-**
11 **pose.** The inhabitants within the territories of
12 Chesterville and Farmington currently served by the
13 Farmington Falls Water Company are hereby created a body
14 politic and corporate under the name of the "Farmington
15 Falls Water District" for the purpose of supplying the dis-
16 trict and the inhabitants thereof and others with pure water
17 for domestic, sanitary and municipal purposes.

18 The territory of the district shall be comprised of all
19 real property located in Farmington and Chesterville and de-
20 scribed as follows. The section of U. S. Route 2 from the
21 Farmington Falls Cemetery, extending easterly to the
22 Farmington-New Sharon town line; Maine Street, Farmington
23 Falls; the section of the Mason Road in Farmington Falls,
24 extending northerly from Main Street to the intersection of
25 U. S. Route 2; Water Street, Farmington Falls; the section
26 of Route 156 in Chesterville, extending westerly from Route
27 41 to the Wilson Stream Bridge (known as the Green Bridge);
28 the section of Route 41, in Chesterville from the Farmington
29 Falls Bridge (Sandy River Bridge), extending southerly, mea-
30 suring approximately one-half mile to a point where an
31 unnamed brook crosses underneath the road; the section of
32 the Chesterville Hill Road, in Chesterville, from Route 156
33 to the property now or formally of Phillip Butterfield; the
34 Back Chesterville Hill Road, in Chesterville, from Route 41
35 to the intersection of the Chesterville Hill Road; the
36 section of the George Thomas Road, in Chesterville, extend-
37 ing from Route 41, easterly, measuring approximately 1/4 of
38 a mile to where an unnamed brook crosses under the road; and
39 Cross Street, Chesterville, from Route 41 to the intersec-
40 tion of the Chesterville Hill Road.

41 All inhabitants of legal voting age residing within the
42 district boundaries and served by the water system shall be

1 eligible to vote on the referendum question as defined in
2 section 20. Following approval of the referendum question,
3 all inhabitants residing or persons doing business within
4 the district and served by the district shall be deemed eli-
5 gible voters of the district, except that anyone who moves
6 outside the district and is no longer served by the district
7 shall not be a legal voter or inhabitant of the district.

8 **Sec. 2. Powers; authority to locate, construct and**
9 **maintain.** The district, for the purpose of its incorpo-
10 ration, is authorized within its territory to take, col-
11 lect, hold, divert, use and distribute to that district, or
12 any part thereof, water from any lake, pond, stream, brook,
13 river, spring, well or other source, natural or artificial;
14 to locate pipes, mains, conduits, aqueducts and fixtures,
15 and to take up, replace, repair and maintain the same, in,
16 along and through any public or private ways, public grounds
17 or lands of any person or corporation as provided in this
18 Act; to erect, construct and maintain dams, reservoirs,
19 aqueducts, pipes, standpipes, mains, wells, conduits,
20 hydrants, pumping stations, treatment facilities and all
21 other structures, equipment, fixtures and appurtenances
22 necessary and convenient for those purposes; and, generally,
23 to do any and all things and perform any and all acts neces-
24 sary or incidental to accomplish the purpose of this Act.

25 Whenever the district shall enter, dig up or excavate
26 any public water or other land in order to locate, take up,
27 replace, repair or maintain any pipes, mains, conduits,
28 aqueducts and fixtures, or for any other purposes, it shall
29 cause the same to be done with as little obstruction as
30 practicable to the public travel, and shall, at the comple-
31 tion thereof, without unnecessary delay, restore or replace
32 the way or land to its prior or other proper condition.

33 **Sec. 3. District and town authorization to make con-**
34 **tracts.** The district through its trustees may contract with
35 persons and corporations, including the Towns of
36 Chesterville and Farmington, or both, for the supply of
37 water for municipal purposes.

38 **Sec. 4. Powers; authority to acquire and hold prop-**
39 **erty; eminent domain.** The district, for the purposes of its
40 incorporation, may acquire and hold as for public uses real
41 estate and personal estate necessary and convenient for the
42 aforesaid purposes, and is expressly granted the right of
43 eminent domain. The district is hereby authorized to take,
44 use and hold by purchase, lease or otherwise, or by the
45 exercise of eminent domain as hereinafter provided, any land

1 or interest therein or water rights necessary for erecting
2 and maintaining dams, plants and works for flowage, for
3 pumping, for supplying water through its mains, for reser-
4 voirs, for preserving the purity of the water and watershed,
5 for laying and maintaining mains, aqueducts and other struc-
6 tures for taking, distributing, discharging and disposing of
7 water, for forming basins and reservoirs, for erection of
8 buildings for pumping works for use therein, for laying
9 pipes and maintaining same, and for laying and maintaining
10 conduits for carrying, collecting and discharging water, for
11 filtering, rectifying and treating plants, works and facili-
12 ties, for such other objects necessary, convenient and
13 proper for the purposes of its incorporation and for rights-
14 of-way or roadways to its sources of supply, dams, reser-
15 voirs, mains, aqueducts, structures, plants, works, facili-
16 ties and lands.

17 Nothing herein contained may be construed as authoriz-
18 ing the district to take, by right of eminent domain, any of
19 the property or facilities of any other public service cor-
20 poration or district used or acquired for future use by the
21 owner thereof in the performance of a public duty, unless
22 expressly authorized thereto, therein or by subsequent Act
23 of the Legislature.

24 **Sec. 5. Procedure as to the exercise of right of emi-**
25 **nent domain.** In exercising any rights of eminent domain that
26 are herein conferred upon the district, the district shall
27 file, for record in the registry of deeds in Franklin
28 County, plans of the location of lands or interest therein
29 to be taken, with an appropriate description and the names
30 of the owners thereof, if known. When, for any reason, the
31 district fails to acquire property which it is authorized to
32 take and which is described in that location, or, if the
33 location as recorded is defective or uncertain, it may, at
34 any time, correct and perfect that location and file a new
35 description thereof and, in that case, the district is lia-
36 ble in damages only for property for which the owner had not
37 previously been paid, to be assessed as of the time of the
38 original taking, and the district shall not be liable for
39 any act which would have been justified if the original
40 taking had been lawful. No entry may be made on any private
41 lands except to make surveys until the expiration of 10 days
42 from that filing, where upon possession may be had of all
43 those lands or interest therein so taken, but title thereto
44 shall not vest in the district until payment therefor.

45 If any person sustaining damages by any taking as
46 aforesaid shall not agree with the trustees of the district

1 upon the sum to be paid therefor, either party, upon peti-
2 tion to the county commissioners of Franklin County, may
3 have those damages assessed by them. The procedure and all
4 subsequent proceedings and the rights of appeal therefrom
5 shall be had under the same restrictions, conditions and
6 limitations as are or may be prescribed in the case of dam-
7 ages by laying out of highways.

8 **Sec. 6. Procedure if public utility must be crossed.**
9 In case of any crossing of any public utility, unless con-
10 sent is given by the company owning or operating that public
11 utility as to place, manner and conditions of the crossing
12 within 30 days after the consent is requested by the dis-
13 trict, the Public Utilities Commission, upon petition by the
14 district, shall determine the place, manner and conditions
15 of that crossing; and all work on the property of that
16 public utility shall be done under the supervision and to
17 the satisfaction of that public utility or as prescribed by
18 the Public Utilities Commission, but at the expense of the
19 district.

20 **Sec. 7. Board of trustees; appointment.** All the
21 affairs of the district shall be managed by a board of
22 trustees comprised of 3 members, resident of the district,
23 who shall be elected by Australian ballot at a special dis-
24 trict meeting as soon as possible following the acceptance
25 of this Act. One trustee shall be elected from
26 Chesterville, one trustee shall be elected from Farmington
27 and one trustee shall be elected at large.

28 The terms of the members of the board shall be as fol-
29 lows: One member shall serve for one year from the date of
30 the first election following acceptance of this Act; one
31 member shall serve for 2 years from the date of the first
32 election following such acceptance; and one member shall
33 serve for 3 years from the date of the first election fol-
34 lowing such acceptance. Following the expiration of each of
35 the terms of the first 3 trustees of the district, their
36 successors shall be elected for 3-year terms. The trustees
37 shall serve until their successors are elected and quali-
38 fied. Trustees shall be eligible for reelection.

39 Whenever any trustee ceases to be a resident in the
40 water district, he vacates the office of trustee. Vacancies
41 in the office of trustees shall be filled by a special dis-
42 trict election, except that a vacancy occurring within 6
43 months of the expiration of a trustee's term of office may
44 be filled by appointment by the district officers of a suc-
45 cessor residing in the district to serve the unexpired por-
46 tion of the term in which the vacancy occurs.

1 **Sec. 8. Trustees; how appointed; vacancies.** Within
2 one week after their election, the first board of trustees
3 shall hold a meeting at some convenient place in the dis-
4 trict, to be called by any member thereof in writing, desig-
5 nating the time and place and delivered in hand to the other
6 members, not less than 2 full days before the meeting; pro-
7 vided that they may meet by agreement without such notice.
8 They shall organize by electing from their own number a
9 chairman and a clerk and, not necessarily from their own
10 number, a treasurer. They shall adopt a corporate seal and
11 may adopt bylaws and perform any other acts within the
12 powers delegated to them by law.

13 Following each annual election of the district, the
14 trustees shall elect from their own number a chairman and a
15 clerk and, not necessarily from their own number, a treasur-
16 er to serve until the annual district meeting and until
17 their respective successors are elected and qualified.

18 The trustees shall have the same powers and perform the
19 same duties as otherwise are exercised and performed by the
20 selectmen of towns for the calling and holding of district
21 elections and for the correction and preparation of lists of
22 persons qualified to vote in the district.

23 All meetings of the district shall be presided over by
24 the chairman of the board of trustees who shall have the
25 same authority as moderators of town meetings. District
26 meetings shall be conducted in the same manner as town meet-
27 ings.

28 The trustees from time to time may choose and employ
29 and fix the compensation of any other necessary officers and
30 agents, who shall serve at their pleasure. The treasurer
31 shall furnish bond in such sum and with such sureties as the
32 trustees shall approve, the cost thereof to be paid by the
33 district. Members of the board of trustees shall be eligi-
34 ble to any office under the board. The trustees, as such,
35 shall be compensated by a sum not to exceed \$1,000 each
36 year, which sum shall be set by trustees, and approved by a
37 majority of eligible voters within the district.

38 The trustees shall be sworn to the faithful performance
39 of their duties as such, which shall include the duties of
40 any member who shall serve as clerk or clerk pro tempore.
41 They shall make and publish an annual report, including a
42 report of the treasurer, and such other reports as required
43 by law.

1 **Sec. 9. Annual meeting of district.** After the accep-
2 tance of this Act and the organization of the board of
3 trustees as hereinbefore provided, the annual meeting of the
4 district shall be held within the district on the first
5 Monday of each April, at such hour and place as may be des-
6 ignated by resolution of the board of trustees as provided
7 in the bylaws. Notice thereof, signed by the chairman or
8 clerk of the board, shall be conspicuously posted in 2
9 public places within the district, not less than 7 days
10 before the meeting.

11 **Sec. 10. Temporary loans negotiated; issue of bonds.**
12 For accomplishing the purposes of this Act, the water dis-
13 trict, through its trustees, is authorized to borrow money
14 temporarily and to issue therefor the negotiable notes of
15 the district, and for the purpose of refunding the indebted-
16 ness so created, for paying any necessary expenses and lia-
17 bilities incurred under the provisions of this Act, includ-
18 ing the expenses incurred in the creation of a district, in
19 securing sources of supply, taking water and land, paying
20 damages, taking rights-of-way or other interests in real
21 estate, by purchase or otherwise, laying pipes, aqueducts
22 and mains, constructing, installing, maintaining and oper-
23 ating reservoirs, standpipes, dams, pumping stations and
24 whatever equipment may be necessary or incidental to the
25 construction and installation of that system of water works
26 and making renewals of or extensions, additions and improve-
27 ments to the same, the district by votes of its board of
28 trustees, without district vote except as provided in this
29 Act, is also authorized to issue, from time to time, bonds,
30 notes or other evidences of indebtedness of the district in
31 the amount or amounts, not exceeding the sum of \$500,000
32 outstanding at any one time, bearing interest at such rate
33 or rates, and having such terms and provisions as the
34 trustees determine. In the event that the trustees vote to
35 authorize bonds or notes, the estimated cost of which,
36 singularly or in aggregate include in any one financing, is
37 \$25,000 or more adjusted, relative to 1981 as the base year
38 according to the Consumer Price Index, the trustees shall
39 provide notice to the general public of the proposed bond
40 or vote issue and the purposes for which the debt is being
41 issued. The notice shall be published at least once, have
42 general circulation in the district, and notice shall be
43 given to each rate payer by mail by the trustees. In the
44 case of a vote by the trustees to authorize bonds or notes
45 to pay for the acquisition of property, for the cost of a
46 water system or part thereof, for renewal or additions or
47 for other improvements in the nature of capital costs, or
48 for renewing or refunding existing indebtedness, notice of

1 the proposed debt and of the general purpose or purposes for
2 which it was authorized shall be given by the clerk by
3 publication at least once in a newspaper having a general
4 circulation in the Towns of Chesterville and Farmington. No
5 debt may be incurred under the vote of the trustees until
6 the expiration of 7 full days following the date on which
7 the notice was first published.

8 Prior to the expiration of the period, the trustees
9 shall call a special district meeting for the purpose of
10 permitting the voters of the district to express approval or
11 disapproval of the amount of debt so authorized. If, at the
12 district meeting, a majority of voters present and voting
13 thereon express disapproval of the amount of debt authorized
14 by the trustees, the debt may not be incurred and the vote
15 of the trustees authorizing the same shall be void and of no
16 effect. The bonds, notes and evidences of indebtedness may
17 be issued to mature serially in annual installments of not
18 less than 1% of the face amount of the issue and beginning
19 not later than 2 years from the date thereof, or may be
20 issued with equal annual payments, applied first to interest
21 and the balance to principal, or made to run for such
22 periods as the trustees may determine, but no issue may run
23 for a longer period than 40 years from the date of original
24 issue. Bonds, notes or evidences of indebtedness may be
25 issued with or without provision for calling the same prior
26 to maturity and, if callable, may be made callable at par or
27 at such premium as the trustees may determine. All bonds,
28 notes or other evidences of indebtedness shall have
29 inscribed upon their face the words "Farmington Falls Water
30 District," shall be signed by the treasurer and counter
31 signed by the chairman of the board of trustees of the dis-
32 trict and, if coupon bonds are issued, the interest coupons
33 attached thereto shall bear the facsimile of the signature
34 of the treasurer. All bonds, notes and evidences of
35 indebtedness so issued by the district shall be legal obli-
36 gations of the district, which is declared to be a
37 quasi-municipal corporation within the meaning of the
38 Revised Statutes. The Revised Statutes, Title 30, section
39 5053, as amended, and all provisions of this section shall
40 be applicable thereto.

41 The district may, from time to time, issue its bonds,
42 notes and other evidences of indebtedness for the purpose of
43 paying, redeeming or refunding outstanding bonds, notes or
44 evidences of indebtedness and each authorized issue shall
45 constitute a separate loan. All bonds, notes and evidences
46 of indebtedness issued by the district shall be legal
47 investments for savings banks in the State and shall be tax

1 exempt. The district may enter into agreements with the
2 State or Federal Government or any agency of either or any
3 corporation, commission or board authorized by the State or
4 Federal Government to grant or loan money to or otherwise
5 assist in the financing of projects, such as the district is
6 authorized to carry out, and to accept grants and borrow
7 money from any government agency, corporation, commission or
8 board as may be necessary or desirable to enforce this Act.
9 All notes and bonds with the maturity of more than one year
10 in connection with the water system must first be approved
11 by the Public Utilities Commission.

12 **Sec. 11. Sinking fund provided for.** In case any of
13 the bonds or notes are made to run for a period of years, a
14 sinking fund shall be established by the trustees of the
15 district for the purpose of redeeming the bonds or notes
16 when they become due and a sum equal to not less than 1% of
17 the aggregate principal of the outstanding bonds or notes
18 issued on account of or in behalf of the district shall be
19 turned into the sinking fund each year to provide for the
20 final extinguishment of the district funded debt.

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

25 Whenever any bonds of the district become due or can be
26 purchased by the trustees on favorable terms, the trustees
27 may, if sufficient funds have accumulated in the sinking
28 fund, redeem or purchase the bonds and cancel them. In no
29 case may bonds so canceled or redeemed be reissued.

30 In case the amount in the sinking fund is not suffi-
31 cient to pay the total amount of the bonds falling due at
32 any one time, the trustees may issue new bonds sufficient to
33 redeem as many of the bonds as cannot be redeemed from the
34 sinking fund.

35 In the event that the district, with the approval of
36 bond counsel or a bonding organization, establishes a pay-
37 ment schedule that does not require the use of a sinking
38 fund, the provisions of this section shall not apply.

39 **Sec. 12. Powers; authority to acquire certain property**
40 **of Farmington Falls Company.** The district, through its
41 trustees, is hereby authorized to acquire by purchase all or
42 part of the entire plant, properties, franchises, rights and
43 privileges owned by Farmington Falls Water Company, includ-

1 ing all lands, waters, water rights, reservoirs, pipes,
2 machinery, fixtures, hydrants, tools and all apparatus and
3 appliances used or usable in supplying water in the dis-
4 trict; and the company is hereby authorized to sell, trans-
5 fer and convey their plants, properties, franchises, rights
6 and privileges to the district.

7 **Sec. 13. Procedure in case trustees and Farmington**
8 **Falls Company fail to agree on terms of purchase.** In case
9 the trustees fail to agree with the Farmington Falls Water
10 Company upon terms of purchase, then the district through
11 its trustees aforesaid, is hereby authorized to take the
12 properties, interest and franchises of the Farmington Falls
13 Water Company as set forth in section 12, in the manner
14 hereinafter provided wherein the Farmington Falls Water Com-
15 pany and its mortgagees, if any, or those having an interest
16 in any realty which is of record, shall be the parties
17 defendant. The district, through its trustees, is hereby
18 authorized to file a petition in the clerk's office of the
19 Superior Court for the County of Franklin addressed to any
20 justice thereto who, after notice to the defendant afore-
21 said, shall, after hearing and within 60 days after the
22 filing of the petition, appoint 3 disinterested appraisers
23 for the purpose of fixing the valuations of the plant,
24 property and franchises of the Farmington Falls Water Com-
25 pany as described in section 12. The court may order under
26 proper terms the production for inspection by the trustees
27 or the appraisers of all books and papers pertaining to the
28 issue on petition for same by the petitioner, unless same
29 are voluntarily produced. The appraisers shall have the
30 power to administer oaths. The appraisers so appointed
31 shall, after due notice and hearing, fix the valuation as of
32 the date of filing the petition of the plants, properties
33 and franchises at what they were fairly and equitably worth
34 so that the company shall receive just compensation for
35 same. The report of the appraisers or of a majority of them
36 together with the report of a stenographer certified by the
37 appraisers as correct, shall be filed in the clerk's office
38 within 6 months after their appointment and any Justice of
39 the Superior Court may after notice and hearing confirm or
40 reject the same or recommit it if justice so requires. Upon
41 the confirmation of the report, the court so sitting shall
42 thereupon make final decree upon the entire matter, includ-
43 ing the application of the purchase money and transfer of
44 the property, jurisdiction over which is hereby conferred,
45 and with the power to enforce the decree as in equity cases.
46 All findings of fact by the court and the appraisers shall
47 be final, but any party aggrieved may take exceptions as to
48 any matters of law, the same to be accompanied by so much of

1 the case as may be necessary to a clear understanding of the
2 question raised thereby. These exceptions shall be claimed
3 on the docket within 10 days after the final decree is
4 signed, entered and filed and notice thereof has been
5 given by the clerk to the parties and the exceptions so
6 claimed shall be made up, allowed and filed within that time
7 unless further time is granted by the court or by agreement
8 of the parties. They shall be entered at the next term of
9 the law court to be held after the filing of these excep-
10 tions and there heard, unless otherwise agreed, or the law
11 court for good cause shall order further time for hearing
12 thereon. On payment of tender by the district of the amount
13 determined by the final decree and the performance of all
14 other terms and conditions imposed by the court, the plant,
15 properties and franchises of Farmington Falls Water Company,
16 as described in section 12, shall become vested in this dis-
17 trict.

18 **Sec. 14. Property for exempt.** The real and personal
19 property, rights and franchises of the district shall be
20 forever exempt from taxation.

21 **Sec. 15. Water rates; application of revenue; sinking**
22 **fund.** All individuals, firms and corporation, whether pri-
23 vate, public or municipal, shall pay to the treasurer of the
24 district the rates established by the board of trustees for
25 the water used by them. These rates shall be uniform within
26 the territory supplied by the district and shall, if re-
27 quired by law, be subject to the approval of the Public
28 Utilities Commission. These rates shall be so established
29 as to provide revenue for the following purposes:

30 **1. Current expenses; extensions; renewals.** To pay
31 current expenses for operating and maintaining the water
32 system and to provide for such extensions and renewals as
33 may become necessary;

34 **2. Interest payment.** To provide for the payment of
35 the interest on the indebtedness created by the district;

36 **3. Sinking fund.** To provide each year a sum equal to
37 not less than 1% nor more than 5% of the entire indebtedness
38 created by the district other than serial bonds and notes,
39 which sum shall be turned into a sinking fund and there kept
40 to provide for the extinguishment of the indebtedness, or if
41 serial bonds or notes are issued, to pay the principal of
42 those bonds and notes payable in that year. The money set
43 aside for the sinking fund shall be devoted to the retire-
44 ment of the obligations of the district or invested in such

1 securities as savings banks or fiduciaries or trustees in
2 this State are now or hereafter allowed to hold; and

3 **4. Surplus.** If any surplus remains at the end of the
4 year, it may be turned into the sinking fund or used for
5 such other purposes of the district as the trustees may
6 determine.

7 The water rates, tolls, charges and rents shall be sub-
8 ject to the approval of the Public Utilities Commission,
9 unless the district qualifies to be exempt from rate review
10 by the commission according to the Revised Statutes, Public
11 Law 1977, chapter 75.

12 **Sec. 16. Special meetings.** Special meetings of the
13 district may be called by the board of trustees at any time
14 and notice of special meetings, stating the place and time
15 thereof and the business to be transacted thereat shall be
16 signed by the chairman or clerk of the board of trustees and
17 shall be conspicuously posted in at least 2 public places
18 within the district, not less than 7 days, inclusive of Sun-
19 days, before the meeting. Fifteen persons qualified to vote
20 in the meetings shall constitute a quorum.

21 **Sec. 17. Agreements.** The district may enter into
22 agreements with the State or Federal Government, or any
23 agency of either, or any corporation, commission or board
24 authorized by the State or Federal Government to grant or
25 loan money to or otherwise assist in the financing of
26 projects, such as the district is authorized to carry out,
27 and to accept grants and borrow money from any government
28 agency, corporation, commission or board as may be necessary
29 or desirable to enforce this Act. All notes and bonds
30 with the maturity of more than one year, in connection
31 with the water system only, shall first be approved by the
32 Public Utilities Commission.

33 **Sec. 18. Existing statutes not affected; rights con-**
34 **ferred subject to provisions of law.** Nothing herein con-
35 tained is intended to repeal, or shall be construed as
36 repealing the whole or any part of any existing statute, and
37 all the rights and duties herein mentioned shall be exer-
38 cised and performed in accordance with all the applicable
39 provisions of the Revised Statutes, Title 35 and all acts
40 amendatory thereof or additional thereto.

41 **Sec. 19. Incidental powers granted.** All incidental
42 powers, rights and privileges necessary to the accomplish-
43 ment of the main object herein set forth are granted to the
44 Farmington Falls Water District.

1 **Sec. 20. Effective date; referendum; certificate to**
2 **Secretary of State.** In view of the emergency cited in the
3 preamble, this Act shall be submitted to the legal voters of
4 the district at a special election or elections called and
5 held for the purpose. This election shall be called by the
6 municipal officers of the Towns of Chesterville and
7 Farmington and shall be held at the regular voting places.
8 The special election shall be called, advertised and con-
9 ducted according to the law relating to municipal elections;
10 provided that the boards of registration shall not be re-
11 quired to prepare nor the town clerks to post a new list of
12 voters; and for this purpose the boards of registration
13 shall be in session on the 3 secular days next preceding
14 that election, the first and 2nd days thereof to be devoted
15 to registration of voters and the last day to enable the
16 boards to verify the corrections of the lists and to com-
17 plete and close up their records of that session. The town
18 clerks shall reduce the subject matter of this Act to the
19 following question:

20 "Shall An Act to Incorporate the Farmington Falls
21 Water District be accepted?"

22 The voters shall indicate by a cross or check mark
23 placed against the words "Yes" or "No" their opinion of the
24 same. In view of the emergency cited in the preamble, this
25 Act shall take effect for all the purposes hereof immedi-
26 ately upon its acceptance by a majority of the legal voters
27 of the district in both Chesterville and Farmington voting
28 at that election; provided that the total number of votes
29 cast for and against the acceptance of this Act in each town
30 equals or exceeds 20% of the total vote for all candidates
31 for Governor in the district in those towns at the last
32 gubernatorial election; but failure of approval by the
33 necessary percentages of votes at any such election in
34 either or both of those towns shall not prevent a subsequent
35 election or elections to be held for that purpose.

36 The results of these elections shall be declared by the
37 municipal officers of the Towns of Chesterville and
38 Farmington and due certification thereof filed by the town
39 clerks with the Secretary of State.

40 **Emergency clause.** In view of the emergency cited in
41 the preamble, this Act shall take effect when approved.

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STATEMENT OF FACT

The purpose of this bill is to incorporate the Farmington Falls Water District.

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