

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1985, L.D. 1954)
(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document **No. 2051**

H. P. 2142 House of Representatives, March 5, 1982
Reported by Representative Davies from the Committee on Public
Utilities and ordered printed under Joint Rules No. 2.
EDWIN H. PERT, Clerk

STATE OF MAINE

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

**AN ACT to Incorporate the Farmington
Falls Water District.**

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

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

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

Whereas, the Farmington Falls Company has not adequately maintained the system for the past 30 years; and

Whereas, the formation of the water district is urgently needed to assure that the collection and distribution 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 of Chesterville and Farmington, who
12 reside within the territory of the district as defined in
13 this section, are hereby created a body politic and corpo-
14 rate under the name of the "Farmington Falls Water District"
15 for the purpose of supplying the district and the inhabi-
16 tants thereof and others with pure water for domestic, sani-
17 tary 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. Starting at a point on the northerly
21 side of U.S. Route #2 at its intersection with the
22 Farmington-New Sharon town line, thence southerly along the
23 town line to the Sandy River and continuing in the same line
24 across the river and Thomas Road to a point on the westerly
25 side of an unnamed brook, thence along the westerly side of
26 the brook to the most southerly spring now or formerly owned
27 by the Farmington Falls Water Company, thence northwesterly
28 to the easterly abutment of the Wilson Stream Bridge, also
29 known as the Green Bridge, thence northeasterly to an iron
30 post at the southeast corner of the Blake Cemetery, so-
31 called, thence southeasterly to a point on the aforemen-
32 tioned Farmington-New Sharon town line, thence southerly
33 along the town line a distance of 300 feet to the point of
34 beginning.

35 All inhabitants of legal voting age residing within the
36 district boundaries shall be eligible to vote on the refer-
37 endum question as defined in section 20. Following approval
38 of the referendum question, all inhabitants residing within
39 the district or persons doing business within the district
40 and served by the district shall be deemed eligible voters
41 of the district.

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

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

26 **Sec. 3. District and town authorization to make con-**
27 **tracts.** The district through its trustees may contract with
28 persons and corporations, including the Towns of
29 Chesterville and Farmington, or both, for the supply of
30 water for municipal purposes.

31 **Sec. 4. Powers; authority to acquire and hold prop-**
32 **erty; eminent domain.** The district, for the purposes of its
33 incorporation, may acquire and hold as for public uses real
34 estate and personal estate necessary and convenient for the
35 aforesaid purposes, and is expressly granted the right of
36 eminent domain. The district is hereby authorized to take,
37 use and hold by purchase, lease or otherwise, or by the
38 exercise of eminent domain as hereinafter provided, any land
39 or interest therein or water rights necessary for erecting
40 and maintaining dams, plants and works for flowage, for
41 pumping, for supplying water through its mains, for reser-
42 voirs, for preserving the purity of the water and watershed,
43 for laying and maintaining mains, aqueducts and other struc-
44 tures for taking, distributing, discharging and disposing of
45 water, for forming basins and reservoirs, for erection of
46 buildings for pumping works for use therein, for laying
47 pipes and maintaining same, and for laying and maintaining

1 conduits for carrying, collecting and discharging water, for
2 filtering, rectifying and treating plants, works and facilities,
3 ties, for such other objects necessary, convenient and
4 proper for the purposes of its incorporation and for rights-
5 of-way or roadways to its sources of supply, dams, reser-
6 voirs, mains, aqueducts, structures, plants, works, facilities
7 and lands.

8 Nothing herein contained may be construed as authoriz-
9 ing the district to take, by right of eminent domain, any of
10 the property or facilities of any other public service corporation
11 or district used or acquired for future use by the
12 owner thereof in the performance of a public duty, unless
13 expressly authorized thereto, therein or by subsequent Act
14 of the Legislature.

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

36 If any person sustaining damages by any taking as
37 aforesaid shall not agree with the trustees of the district
38 upon the sum to be paid therefor, either party, upon petition
39 to the county commissioners of Franklin County, may
40 have those damages assessed by them. The procedure and all
41 subsequent proceedings and the rights of appeal therefrom
42 shall be had under the same restrictions, conditions and
43 limitations as are or may be prescribed in the case of damages
44 by laying out of highways.

45 **Sec. 6. Procedure if public utility must be crossed.**
46 In case of any crossing of any public utility, unless con-

1 sent is given by the company owning or operating that public
2 utility as to place, manner and conditions of the crossing
3 within 30 days after the consent is requested by the dis-
4 trict, the Public Utilities Commission, upon petition by the
5 district, shall determine the place, manner and conditions
6 of that crossing; and all work on the property of that
7 public utility shall be done under the supervision and to
8 the satisfaction of that public utility or as prescribed by
9 the Public Utilities Commission, but at the expense of the
10 district.

11 **Sec. 7. Board of trustees; election; vacancies .** All
12 the affairs of the district shall be managed by a board of
13 trustees comprised of 5 members, resident of the district,
14 who shall be elected by Australian ballot at a special dis-
15 trict meeting as soon as possible following the acceptance
16 of this Act. Two trustees shall be elected from
17 Chesterville, 2 trustees shall be elected from Farmington
18 and one trustee shall be elected at large.

19 The terms of the members of the board shall be as fol-
20 lows: Two members shall serve for one year from the date of
21 the first election following acceptance of this Act; 2 mem-
22 bers shall serve for 2 years from the date of the first
23 election following such acceptance; and one member shall
24 serve for 3 years from the date of the first election fol-
25 lowing such acceptance. The initially elected trustees
26 shall draw lots for the one, 2 or 3-year terms. Following
27 the expiration of each of the terms of the first 5 trustees
28 of the district, their successors shall be elected for
29 3-year terms. The trustees shall serve until their succes-
30 sors are elected and qualified. Trustees shall be eligible
31 for reelection.

32 Whenever any trustee ceases to be a resident in the
33 water district, he vacates the office of trustee. Vacancies
34 in the office of trustees shall be filled by a special dis-
35 trict election, except that a vacancy occurring within 6
36 months of the expiration of a trustee's term of office may
37 be filled by appointment of a successor residing in the dis-
38 trict to serve the unexpired portion of the term in which
39 the vacancy occurs. Appointment shall be made by the munic-
40 ipal officers: Of Chesterville for a vacancy from
41 Chesterville; of Farmington for a vacancy from Farmington;
42 or of Chesterville and Farmington jointly for an at large
43 vacancy, after receiving recommendations from the trustees.

44 **Sec. 8. Trustees; how appointed; vacancies.** Within
45 one week after each annual election, including the election
46 of the first trustees, the trustees shall meet for the pur-

1 pose of electing a chairman, treasurer and clerk from among
2 them to serve for the ensuing year and until their succes-
3 sors are elected and qualified. The trustees, from
4 time-to-time, may choose and employ, and fix the compensa-
5 tion of, any other necessary officers and agents who shall
6 serve at their pleasure. The treasurer shall furnish bond
7 in the sum and with sureties as approved by the trustees.
8 The cost thereof shall be paid by the district.

9 At this original meeting, the trustees shall organize
10 by electing from their own members a chariman and a clerk,
11 and adopting a corporate seal and electing a treasurer who
12 may or may not be a trustee. The trustees may adopt and
13 establish bylaws, consistent with the laws of this State and
14 necessary for their own convenience and the proper manage-
15 ment of the affairs of the district, and perform any other
16 acts within the powers delegated to them by law.

17 The trustees shall be sworn to the faithful performance
18 of their duties, which shall include the duties of any
19 member who serves as clerk or clerk pro tem. They shall
20 make and publish an annual report, including a report of the
21 treasurer.

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

27 All meetings of the district shall be presided over by
28 the chairman of the board of trustees who shall have the
29 same authority as moderators of town meetings. District
30 meetings shall be conducted in the same manner as town meet-
31 ings.

32 Members of the board of trustees shall be eligible for
33 any office under the board. The trustees, as such, shall
34 initially be compensated by a sum of \$100 each year. There-
35 after, compensation shall be established as follows. The
36 trustees shall receive compensation as recommended by them
37 and approved by a majority of the municipal officers of the
38 municipality, including compensation for any duties they
39 perform as officers, as well as for their duties as
40 trustees. For districts serving more than one municipality,
41 any change in the compensation received by the trustees for
42 any duties they perform within the district shall be recom-
43 mended by them and approved by majority vote of the municip-
44 al officers in municipalities representing a majority of
45 the population within the district. Certification thereof

1 shall be recorded with the Secretary of State and recorded
2 in the bylaws. Their compensation for duties as trustees
3 shall be on the basis of such specified amount as may be
4 specified in the bylaws, for each meeting actually attended
5 and reimbursement for travel and expenses, with the total
6 not to exceed such specific amount as may be specified in
7 the bylaws.

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

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

1 newspaper having general circulation in the district, and
2 notice shall be given to each rate payer by mail by the
3 trustees. In the case of a vote by the trustees to author-
4 ize bonds or notes to pay for the acquisition of property,
5 for the cost of a water system or part thereof, for renewal
6 or additions or for other improvements in the nature of cap-
7 ital costs, or for renewing or refunding existing indebted-
8 ness, notice of the proposed debt and of the general purpose
9 or purposes for which it was authorized shall be given by
10 the clerk by publication at least once in a newspaper having
11 a general circulation in the Towns of Chesterville and
12 Farmington. No debt may be incurred under the vote of the
13 trustees until the expiration of 7 full days following the
14 date on which the notice was first published and mailed.

15 Prior to the expiration of the 7-day period, the
16 trustees shall call a special district meeting for the pur-
17 pose of permitting the voters of the district to express
18 approval or disapproval of the amount of debt so authorized.
19 If, at the district meeting, a majority of voters present
20 and voting thereon express disapproval of the amount of debt
21 authorized by the trustees, the debt may not be incurred and
22 the vote of the trustees authorizing the same shall be void
23 and of no effect. The bonds, notes and evidences of
24 indebtedness may be issued to mature serially in annual
25 installments of not less than 1% of the face amount of the
26 issue and beginning not later than 2 years from the date
27 thereof, or may be issued with equal annual payments,
28 applied first to interest and the balance to principal, or
29 made to run for such periods as the trustees may determine,
30 but no issue may run for a longer period than 40 years from
31 the date of original issue. Bonds, notes or evidences of
32 indebtedness may be issued with or without provision for
33 calling the same prior to maturity and, if callable, may be
34 made callable at par or at such premium as the trustees may
35 determine. All bonds, notes or other evidences of indebted-
36 ness shall have inscribed upon their face the words
37 "Farmington Falls Water District," shall be signed by the
38 treasurer and countersigned by the chairman of the board of
39 trustees of the district and, if coupon bonds are issued,
40 the interest coupons attached thereto shall bear the fac-
41 simile of the signature of the treasurer. All bonds, notes
42 and evidences of indebtedness so issued by the district
43 shall be legal obligations of the district, which is
44 declared to be a quasi-municipal corporation within the
45 meaning of the Revised Statutes. The Revised Statutes,
46 Title 30, section 5053, as amended, and all provisions of
47 this section shall be applicable thereto.

1 The district may, from time to time, issue its bonds,
2 notes and other evidences of indebtedness for the purpose of
3 paying, redeeming or refunding outstanding bonds, notes or
4 evidences of indebtedness and each authorized issue shall
5 constitute a separate loan. All bonds, notes and evidences
6 of indebtedness issued by the district shall be legal
7 investments for savings banks in the State and shall be tax
8 exempt. The district may enter into agreements with the
9 State or Federal Government or any agency of either or any
10 corporation, commission or board authorized by the State or
11 Federal Government to grant or loan money to or otherwise
12 assist in the financing of projects, such as the district is
13 authorized to carry out, and to accept grants and borrow
14 money from any government agency, corporation, commission or
15 board as may be necessary or desirable to enforce this Act.
16 All notes and bonds with the maturity of more than one year
17 in connection with the water system must first be approved
18 by the Public Utilities Commission.

19 **Sec. 11. Sinking fund provided for.** The money set
20 aside for the sinking fund shall be devoted to the retire-
21 ment of the notes and bonds, and shall be used for no other
22 purposes, and shall be invested in such securities as
23 savings banks are allowed to hold.

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

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

34 In the event that the district establishes a payment
35 schedule that does not require the use of a sinking fund,
36 the provisions of this section shall not apply.

37 **Sec. 12. Powers; authority to acquire certain property**
38 **of Farmington Falls Company.** The district, through its
39 trustees, is hereby authorized to acquire by purchase all or
40 part of the entire plant, properties, franchises, rights and
41 privileges owned by Farmington Falls Water Company, includ-
42 ing all lands, waters, water rights, reservoirs, pipes,
43 machinery, fixtures, hydrants, tools and all apparatus and
44 appliances used or usable in supplying water in the dis-
45 trict; and the company is hereby authorized to sell, trans-

1 fer and convey their plants, properties, franchises, rights
2 and privileges to the district.

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

1 claimed shall be made up, allowed and filed within that time
2 unless further time is granted by the court or by agreement
3 of the parties. They shall be entered at the next term of
4 the law court to be held after the filing of these excep-
5 tions and there heard, unless otherwise agreed, or the law
6 court for good cause shall order further time for hearing
7 thereon. On payment of tender by the district of the amount
8 determined by the final decree and the performance of all
9 other terms and conditions imposed by the court, the plant,
10 properties and franchises of Farmington Falls Water Company,
11 as described in section 12, shall become vested in this dis-
12 trict.

13 **Sec. 14. Quasi-municipal district.** The district shall
14 be a quasi-municipal district in accordance with the Revised
15 Statutes.

16 **Sec. 15. Water rates; application of revenue; sinking**
17 **fund.** All individuals, firms and corporations, whether pri-
18 vate, public or municipal, shall pay to the treasurer of the
19 district the rates established by the board of trustees for
20 the water used by them. These rates shall be uniform within
21 the territory supplied by the district and shall, to the
22 extent required by law, be subject to the approval of the
23 Public Utilities Commission.

24 **1. Just and reasonable rates.** The trustees shall
25 establish rates, tolls or charges which are just and reason-
26 able and which provide revenue as may be required to perform
27 its public utility service and to attract necessary capital
28 on just and reasonable terms.

29 **2. Uniform rates.** The trustees shall establish rates
30 which are uniform within the territory supplied whenever the
31 installation and maintenance of mains and the cost of ser-
32 vice is substantially uniform. If, for any reason, the cost
33 of construction and maintenance or the cost of service in a
34 section of the territory exceeds the average, the trustees
35 may establish higher rates for that section, but these
36 higher rates shall be uniform throughout that section.

37 **3. Purposes.** The trustees may establish rates under
38 this section so as to provide revenue for the following pur-
39 poses, but no other:

40 **A.** To pay the current expenses for operating and main-
41 taining the water system and to provide for normal
42 renewals and replacements;

43 **B.** To provide for the payment of the interest on the
44 indebtedness created or assumed by the utility;

1 C. To provide each year a sum equal to not less than
2 2% nor more than 10% of the term indebtedness repre-
3 sented by the issuance of bonds created or assumed by
4 the utility, which sum shall be turned into a sinking
5 fund and there kept to provide for the extinguishment
6 of term indebtedness. The money set aside in this
7 sinking fund shall be devoted to the retirement of the
8 term obligations of the utility and may be invested in
9 such securities as savings banks in the State are
10 allowed to hold;

11 D. To provide for annual principal payments on serial
12 indebtedness created or assumed by the utility; and

13 E. To provide for a contingency reserve fund by pro-
14 viding rates to reflect up to a 5% addition to yearly
15 revenues over what is required to operate the water
16 company in accordance with the Revised Statutes, Title
17 35, section 3311.

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

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

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

1 **Sec. 19. Incidental powers granted.** All incidental
2 powers, rights and privileges necessary to the accomplish-
3 ment of the main object herein set forth are granted to the
4 Farmington Falls Water District.

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

24 "Shall An Act to Incorporate the Farmington Falls
25 Water District be accepted?"

26 The voters shall indicate by a cross or check mark
27 placed against the words "Yes" or "No" their opinion of the
28 same. In view of the emergency cited in the preamble, this
29 Act shall take effect for all the purposes hereof immedi-
30 ately upon its acceptance by a majority of the legal voters
31 of the district in both Chesterville and Farmington voting
32 at that election; provided that the total number of votes
33 cast for and against the acceptance of this Act in each town
34 equals or exceeds 12% of the registered voters in the dis-
35 trict; but failure of approval by the necessary percentages
36 of votes at any such election in either or both of those
37 towns shall not prevent a subsequent election or elections
38 to be held for that purpose.

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

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

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STATEMENT OF FACT

This new draft conforms the charter to PL 1981, chapters 447 and 483 and corrects technical errors in the original bill.

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