

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 1177, L.D. 1672)
(New Title)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 2365

H.P. 1679 House of Representatives, April 10, 1986
Reported by Representative Baker from the Committee on Utilities and
printed under Joint Rule 2. Original bill sponsored by Representative Law of
Dover-Foxcroft.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Consolidate the Charter and Increase
the Debt Limit of the Dover and
Foxcroft Water District.

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

Whereas, the Dover and Foxcroft Water District
presently provides water and fire protection services
to the Dover-Foxcroft area residents; and

Whereas, the existing water supply of the Dover
and Foxcroft Water District recently became contami-
nated by the giardia parasite and prudence dictates
that a similar contamination in the future be pre-
vented by a more efficient treatment system or the
acquisition of additional or alternative sources of
supply; and

1 Whereas, the costs involved will greatly exceed
2 the debt limitations imposed by law upon the Dover
3 and Foxcroft Water District; and

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

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

12 PART A

13 Sec. 1. P&SL 1863, c. 262, as amended by PL
14 1967, c. 21, is repealed.

15 Sec. 2. P&SL 1887, c. 31 is repealed.

16 Sec. 3. P&SL 1987, c. 260 is repealed.

17 Sec. 4. P&SL 1891, c. 10 is repealed.

18 Sec. 5. P&SL 1891, c. 339 is repealed.

19 Sec. 6. P&SL 1893, c. 400 is repealed.

20 Sec. 7. P&SL 1899, c. 54, §1, as repealed and
21 replaced by P&SL 1965, c. 107, is repealed.

22 Sec. 8. P&SL 1903, c. 11, as amended, is re-
23 pealed.

24 Sec. 9. P&SL 1905, c. 54, §6, as amended by P&SL
25 1925, c. 12, is repealed.

26 Sec. 10. P&SL 1909, c. 199 is repealed.

27 Sec. 11. P&SL 1911, c. 285 is repealed.

28 Sec. 12. P&SL 1915, c. 40 is repealed.

29 Sec. 13. P&SL 1923, c. 14 is repealed.

1 Sec. 14. P&SL 1925, c. 12 is repealed.
2 Sec. 15. P&SL 1949, c. 64 is repealed.
3 Sec. 16. P&SL 1959, c. 20 is repealed.
4 Sec. 17. P&SL 1965, c. 107 is repealed.
5 Sec. 18. P&SL 1967, c. 21 is repealed.

6 PART B

7 Sec. 1. Short title. This Act may be known as
8 "The Charter of the Dover and Foxcroft Water Dis-
9 trict, 1986."

10 Sec. 2. Name. The name of the Dover and
11 Foxcroft Village Fire Company is changed to the Dover
12 and Foxcroft Water District and all rights, privi-
13 leges, franchise and property belonging to the Dover
14 and Foxcroft Village Fire Company shall belong to the
15 district, the same as though originally granted or
16 conveyed to the district, and all liabilities and ob-
17 ligations of the Dover and Foxcroft Village Fire Com-
18 pany shall be the liabilities and obligations of the
19 district, the same as if incurred by the district and
20 all suits hereafter brought by or against the corpo-
21 ration shall be in the name of the Dover and Foxcroft
22 Water District whether the cause of action accrues
23 before or after the change of name.

24 Sec. 3. Territory. All that part of the terri-
25 tory in the Town of Dover-Foxcroft in the county of
26 Piscataquis embraced within the following bounds and
27 limits, together with the inhabitants thereof, is
28 created a body politic and corporate by the name of
29 Dover and Foxcroft Water District.

30 Beginning at the southeast corner of lot 8, range
31 1, in that part of said town which was formerly
32 Foxcroft; thence running northerly on the east line
33 of lot 8, range 1, about 410 feet to the southerly
34 line of the Bangor & Aroostook railroad right-of-way;
35 thence westerly on the southerly line of said Bangor
36 & Aroostook railroad right-of-way 700 feet; thence
37 north, parallel to the east line of said lot 8, range
38 1, about 140 rods to the north line of said lot;

1 thence northerly in a continuation of said last named
2 line 1, 150 feet; thence westerly, parallel with the
3 south line of said Foxcroft to the northeast corner
4 of the former limits of said district; thence westerly,
5 parallel with the south line of said town to the
6 west line of lot 12, range 2 in said Foxcroft; thence
7 southerly on the west line of said lot 12, range 2
8 and lot 12, range 1, to a point 500 feet northerly of
9 the center line of the highway leading from the Town
10 of Dover-Foxcroft to Guilford, known as Route 15;
11 thence westerly parallel with the center line of said
12 highway and 500 feet northerly thereof to a point
13 which would be intersected by a northerly extension
14 of the easterly line of Rural Grove Cemetery; thence
15 southerly by said extension and by the easterly line
16 of said cemetery to the Piscataquis River; thence
17 easterly by said river to the north end of Maine Central
18 railroad bridge; thence southerly by said railroad
19 bridge and railroad right-of-way east line about
20 450 feet; thence south 2 degrees west (magnetic 1958)
21 1,272 feet; thence south 88 degrees east (magnetic
22 1958) 4,122 feet to west line lot 2, range 12 of
23 original lotting in that part of said town known formerly
24 as Dover, and the former west line of said district;
25 thence southerly on said west line to the
26 southwest corner of said lot 2, range 12; thence
27 southerly on the west line of lot 4, range 11, 1,000
28 feet; thence easterly, parallel with the south line
29 of said range 12 to the road leading over Woodbury
30 Hill to Dover South Mills; thence northerly on said
31 road to the said south line of said range 12; thence
32 easterly on said south line of said range 12 to the
33 southeast corner of lot 5, range 12; thence northerly
34 on the east line of said lot 5, range 12 to the
35 northeast corner thereof; thence westerly on the
36 north line of said lot 5, range 12 to the point begun
37 at.

38 **Sec. 4. Power of taxation.** The district is au-
39 thorized to raise money by taxation for the purposes
40 of operating, repairing, extending and making capital
41 improvements to its water works system and for its
42 fire department operations and capital needs, to be
43 levied and collected in the manner provided herein.

44 This is not intended to expand or reduce the au-
45 thority of the district to raise money by taxation as
46 that authority exists on January 1, 1986.

1 Sec. 5. Assessment of taxes.

2 1. Property subject to taxation. The money
3 raised by the corporation for the purposes set out in
4 section 4 shall be assessed upon the property within
5 its territory by the assessors of the district in the
6 same manner as is provided by law for the assessment
7 of state taxes and the assessors may copy the most
8 recent valuation made by the assessors of the Town of
9 Dover-Foxcroft and assess the tax in accordance
10 therewith or, if the trustees of the district shall
11 so direct, shall make a new valuation according to
12 the principles of state law and assess the tax on
13 that valuation.

14 2. Assessment of taxes. Upon a certificate be-
15 ing filed with the assessors of the district by the
16 clerk thereof, of the amount of money determined at
17 any meeting to be raised for the purposes of the dis-
18 trict, it shall be the duty of the assessors as soon
19 as may be to assess the amount upon the estate of
20 persons residing in the territory of the district and
21 upon the estate of nonresident proprietors of proper-
22 ty located in the territory as provided by the rules
23 for raising a state tax, to make perfect lists under
24 their hands, and to commit the same to the collector
25 of the district, with a warrant under their hands in
26 the form prescribed by law for the collection of
27 taxes by towns, with proper changes, whose duty it
28 shall be to collect the same in like manner as state
29 taxes are by law collected by towns; and the district
30 shall have the same power to direct the mode of col-
31 lecting the taxes as towns have in the collection of
32 town taxes.

33 3. Powers of assessment and collection. For the
34 purposes of assessing taxes and for the collection of
35 the taxes, the district, its assessors, clerk, trea-
36 surer and collector shall have the same powers now or
37 hereafter conferred upon towns, their assessors,
38 clerks, treasurers and collectors by general law.

39 Sec. 6. Officers and powers. The officers of
40 the corporation shall consist of a supervisor, clerk,
41 treasurer, collector, 3 assessors, 4 or more fire
42 wardens and a board of trustees of 3 members, one of
43 whom shall be designated as chairman, and such other

1 officers as may be provided for in the bylaws of the
2 district.

3 The fire wardens shall have exclusively all the
4 power and authority within the limits of the district
5 that fire wardens of towns have and shall have all
6 the powers and perform all the duties conferred upon
7 inspectors of buildings by the laws of the State of
8 Maine. With the approval of the trustees, the fire
9 wardens shall establish rates and charges for fire
10 fighting, protection and prevention.

11 The board of trustees shall be chosen by ballot
12 at the annual meeting of the district provided for by
13 this Act, one for one year, one for 2 years and one
14 for 3 years and, whenever the term of office of a
15 member of the board expires, his successor shall be
16 chosen by ballot at the annual meeting at which the
17 term expires to serve the full term of 3 years and,
18 in case of a vacancy on the board by death or resig-
19 nation, the vacancy shall be filled at a special
20 meeting of the district in like manner for the unex-
21 pired term. Trustees may be elected to serve one or
22 more successive terms.

23 The board of trustees shall have the full manage-
24 ment and control of the water works system now owned
25 by the corporation, and shall establish such rules as
26 may be necessary for the convenient and proper man-
27 agement of the water works system, employ a superin-
28 tendent, technical and such other labor as may be
29 necessary for the proper operation of the water works
30 system, fix the amount of the water rates and charges
31 which shall be uniform throughout the district and do
32 all things necessary for the proper operation of the
33 system. They shall approve all bills due from the
34 district before payment by the treasurer. In addi-
35 tion to other meetings, they shall meet twice each
36 year on the first Tuesdays of April and October at
37 the office of the district, at which meetings they
38 shall examine and audit the accounts of the superin-
39 tendent and treasurer. They shall receive for their
40 services compensation as recommended by them and ap-
41 proved by a majority of the municipal officers of the
42 Town of Dover-Foxcroft. Compensation for duties as
43 trustees shall be based on meetings actually attended
44 and reimbursement for travel and expenses, with the

1 total not to exceed such specific amount as may be
2 specified in the bylaws of the district. The trust-
3 ees shall meet at such times as provided in the by-
4 laws of the district.

5 Sec. 7. Annual and special meetings. The annual
6 meeting of the district shall be held at such place
7 as the superintendent may determine in
8 Dover-Foxcroft, Maine, on the first Tuesday of Febru-
9 ary in each year. Special meetings may be called by
10 the clerk of the district on request and shall be
11 called by the clerk on petition of 30 or more members
12 of the district. Notice of all meetings shall be
13 given by posting of a copy of the warrant therefor in
14 2 public and conspicuous places within the district
15 at least 7 days before the time of the meeting and by
16 causing a copy of the warrant to be published in a
17 newspaper of general circulation within the district
18 prior to the meeting.

19 The district, at any legal meeting thereof, may
20 make and alter bylaws and ordinances for its govern-
21 ment for the efficient management of its water system
22 and properties and of its fire department, including
23 the erection and maintenance of chimneys, regulation
24 of all fires, stoves, pipes and flues in use for the
25 purpose of heating contained in any building, the
26 keeping of ashes, and for the regulation of all such
27 other matters as shall endanger property to destruc-
28 tion by fire or tend to spread fire rapidly; provided
29 that the same are not repugnant to the law of the
30 State; and may enforce the same by suitable penalties
31 equal to the penalties provided in the Maine Revised
32 Statutes, Title 35, chapter 313, to be recovered by
33 action of debt in the name and to the use of the dis-
34 trict. No justice in Dover-Foxcroft may be disquali-
35 fied from trying such actions by reason of his being
36 a member of the district.

37 Sec. 8. Voting rights. All persons who are lia-
38 ble to be taxed by the district and reside within the
39 territorial limits of the district and who are other-
40 wise qualified to vote in municipal elections in the
41 State of Maine shall be members of the district and
42 entitled to vote at its meetings and shall be eligi-
43 ble to hold office in the district.

1 **Sec. 9. Membership of nonresidents.** Any person
2 living without the territorial limits of the district
3 may become a member by a vote of 2/3 of the members
4 present at any annual or special meeting and by con-
5 senting to become subject to such proportional tax
6 and charges as may be determined by the corporation.

7 **Sec. 10. Sinking fund.** The district shall pro-
8 vide a sinking fund in accordance with section 11.

9 **Sec. 11. Rates.** Subject to the approval of the
10 Public Utilities Commission, all individuals, firms
11 and corporations, whether private, public or municip-
12 al, shall pay to the district the rates established
13 by the board of trustees for all water used by them.
14 These rates shall be so established as to provide
15 revenues for the following purposes:

16 1. **Current expenses.** To pay the current ex-
17 penses for operating and maintaining the water works
18 system and to provide for normal renewals and re-
19 placements;

20 2. **Interest.** To provide for the payment of the
21 interest on the indebtedness created or assumed by
22 the district for the use of the water works system;

23 3. **Sinking fund.** To provide each year a sum
24 equal to not less than 2% nor more than 10% of the
25 term indebtedness represented by the issuance of
26 bonds created or assumed by the utility, which sum
27 shall be turned into a sinking fund and there kept to
28 provide for the extinguishment of term indebtedness.
29 The money set aside in this sinking fund shall be de-
30 voted to the retirement of the term obligations of
31 the district for the use of the water works system
32 and may be invested in such securities as savings
33 banks in the State are allowed to hold;

34 4. **Principal payment.** To provide for annual
35 principal payments on serial indebtedness created or
36 assumed by the district for the use of the water
37 works system; and

38 5. **Contingency reserve.** To provide for a con-
39 tingency reserve fund allowance by providing rates to
40 reflect up to a 5% addition to yearly revenues over

1 what is required to operate the water works system.
2 If this allowance results in an excessive surplus,
3 rates may be set which use the excess to offset fu-
4 ture revenue requirements.

5 Sec. 12. Borrowing powers.

6 1. Authorized to borrow money; to issue bonds
7 and notes; to receive governmental aid. The dis-
8 trict, by resolutions of its board of trustees with-
9 out district vote, is authorized to borrow money for
10 any purpose for which it is authorized to raise money
11 by taxation or for which it may establish rates and
12 to issue, from time to time, bonds, notes or other
13 evidences of indebtedness of the district.

14 In the event that the board of trustees deter-
15 mines to issue notes, bonds or other evidences of in-
16 debtedness, excluding notes payable within one year,
17 notes in anticipation of bonds authorized pursuant to
18 this section, notes in anticipation of revenues to be
19 collected or received during the current fiscal year
20 or notes in anticipation of the receipt of approved
21 federal or state grants, the authorized amount of
22 which, singularly or in the aggregate included in any
23 one financing, is \$150,000 or more, the trustees
24 shall call a special meeting of the district for the
25 purpose of permitting the collection of testimony
26 from the public concerning the purpose and amount of
27 debt so authorized. Notice of the special meeting,
28 stating the approximate amount of the debt and the
29 purpose for which it is being issued, shall be pub-
30 lished not less than 7 full days prior to the date of
31 the special meeting in a newspaper having general
32 circulation in the district and shall be mailed to
33 each water ratepayer in the district not later than
34 the date of publication. No debt may be incurred un-
35 der the vote of the trustees until the expiration of
36 7 full days following the date of the special meeting
37 of the district.

38 Except for proposed indebtedness to fund projects
39 specifically mandated by the State Government or Fed-
40 eral Government or to fund that part of any project
41 which has been approved for grant financing by the
42 State Government or Federal Government, including any
43 related facilities not eligible for that financing,

1 but essential to the operation of the approved
2 project as an integral system, any vote by the trust-
3 ees to incur indebtedness in excess of the amount
4 specified in this section shall be subject to the
5 following petition and referendum procedure.

6 If, on or before the 7th day following the date
7 of the special meeting of the district at which meet-
8 ing the incurrence of the indebtedness was approved,
9 a petition signed by at least 5%, but not less than
10 50, of the members of the district is filed with the
11 clerk of the district requesting reference of the
12 vote of the trustees to referendum, the clerk of the
13 district shall call a special election for the mem-
14 bers of the district for the purpose of submitting to
15 referendum vote the question of approving the vote of
16 the trustees. The vote of the trustees shall be sus-
17 pended until it has received approval by vote of a
18 majority of the members of the district voting on the
19 question at the special election. If a majority of
20 members voting at the special meeting expresses dis-
21 approval of the amount of debt authorized by the
22 trustees, the debt shall not be incurred and the vote
23 of the trustees authorizing it shall be void and of
24 no effect.

25 All bonds, notes or other evidences of indebted-
26 ness of the district may be issued in one series or
27 in separate series, in such amount or amounts, bear-
28 ing interest at such rate or rates and having such
29 terms and provisions as the board of trustees deter-
30 mines. Any such bonds, notes and evidences of in-
31 debtedness may be issued to mature serially or made
32 to run for such periods as the board may determine.
33 Bonds, notes or evidence of indebtedness may be is-
34 sued with or without provision for calling the same
35 prior to maturity and, if callable, may be made call-
36 able at par or at such premium as the board may de-
37 termine. All bonds, notes or other evidences of in-
38 debtedness shall be signed by the treasurer and coun-
39 tersigned by the chairman of the board of the dis-
40 trict. All bonds, notes and evidences of indebted-
41 ness issued by the corporation shall be legal obliga-
42 tions of the district, which is declared to be a qua-
43 si-municipal corporation within the meaning of the
44 Maine Revised Statutes, Title 30, section 5053. The
45 provision that bonds, notes and evidences of indebt-

1 edness issued by the district shall be legal obliga-
2 tions of the district shall not be construed so as to
3 prohibit the imposition by the district of fees and
4 charges for the use of water and water service or
5 fees and charges for fire regulation, prevention or
6 fire fighting. Subject to the provisions of this
7 section and in addition to the purposes set forth in
8 this section, the district may, from time to time,
9 issue in one series or in separate series its bonds,
10 notes and other evidences of indebtedness for the
11 purpose of paying, redeeming or refunding outstanding
12 bonds, notes or evidences of indebtedness and each
13 authorized issue shall constitute a separate loan.
14 All bonds, notes and evidences of indebtedness issued
15 by the district shall be legal investments for sav-
16 ings banks in the State and the interest thereon and
17 any projects from the sale thereof shall be tax ex-
18 empt.

19 The district may enter into agreements with State
20 Government, Federal Government or any agency of ei-
21 ther or any municipality, corporation, commission or
22 board authorized to grant or loan money to or other-
23 wise assist in the financing of projects, such as the
24 district is authorized to carry out, and to accept
25 grants and, subject to the limitation imposed by this
26 section, borrow money from any such government, agen-
27 cy, municipality, corporation, commission or board as
28 may be necessary or desirable to accomplish the pur-
29 poses of the district.

30 Sec. 13. Miscellaneous powers. The Dover and
31 Foxcroft Water District is authorized to sell or
32 lease for manufacturing purposes any power on its dam
33 at Pratt's rips, so-called, at its pumping station,
34 not used by it for supplying water for its water
35 works system, provided that the sale or lease shall
36 be subject to a reservation of sufficient power for
37 the Dover and Foxcroft Water District for its present
38 or future needs, in supplying water to its water sys-
39 tem and any extension thereof.

40 Sec. 14. Property rights.

41 1. Eminent domain. The district is authorized
42 to take and hold by purchase or otherwise any land or
43 real estate necessary for reservoirs or for preserv-

1 ing purity of the water and water sheds, and for lay-
2 ing and maintaining aqueducts for conducting, dis-
3 charging, distributing and disposing of water.

4 **2. Water rights; eminent domain.** The district
5 is authorized, for the purposes mentioned in its
6 charter, to take and hold sufficient water of Garland
7 Pond, situated in Dover-Foxcroft and the Town of
8 Sebec, in the county of Piscataquis, and may raise
9 the waters of the pond by a dam at the outlet thereof
10 to such a height as the district may deem expedient;
11 and it is further authorized, for those purposes, to
12 create an artificial pond, by damming the waters of
13 Meadow Brook, so-called, by a dam situated at any
14 convenient point on the brook, in one or more of lots
15 5 and 6, in ranges 3 and 4 in what was previously
16 Foxcroft, which dam may be of such height as the dis-
17 trict may deem expedient; may take and hold by pur-
18 chase or otherwise any land or real estate necessary
19 for erecting dams, and flowage caused thereby, power,
20 reservoirs, or for preserving the purity of the water
21 and watersheds, and for maintaining a way or ways
22 from the public highways to the ponds, and for laying
23 and maintaining aqueducts for conducting, discharg-
24 ing, distributing and disposing of water.

25 **Sec. 15. Exemption from taxes.** As formerly pro-
26 vided in Private and Special Law 1905, chapter 54,
27 section 12, the corporate property of the district
28 shall be exempt from taxation.

29 **Sec. 16. Miscellaneous provision; bylaws.** Noth-
30 ing herein may annul the existing bylaws and ordi-
31 nances of the district, but the existing laws and or-
32 dinances shall remain in force until altered, amended
33 or repealed except where in direct conflict with any
34 provision of this Act.

35 **Sec. 17. Severability clause and previous ac-**
36 **tions of the district.** If any of the provisions of
37 this Act shall be determined to be void or unenforce-
38 able, such action shall not adversely affect the ap-
39 plication or enforceability of any other section of
40 the Act.

41 The enactment of this Act shall in no way affect
42 the validity of actions of the district or its prede-

1 cessor heretofore taken pursuant to other private and
2 special acts notwithstanding the amendment or repeal
3 of such acts.

4 **Emergency clause.** In view of the emergency cited
5 in the preamble, this Act shall take effect when ap-
6 proved.

7 STATEMENT OF FACT

8 The new draft consolidates and reenacts the ex-
9 isting charter of the Dover and Foxcroft Water Dis-
10 trict, which is now scattered through at least 16
11 Private and Special Laws, dating back to 1863. It
12 continues the existing tax exemption for the corpo-
13 rate property of the district. The new draft also
14 carries out the intent of the original bill by remov-
15 ing the debt limit of the district and substituting
16 standard language requiring a public process for is-
17 suance of debt in excess of \$150,000 and, except for
18 indebtedness to fund projects mandated by the State
19 Government or Federal Government, indebtedness in an-
20 ticipation of receipt of approved grants and short-
21 term indebtedness in anticipation of revenues, pro-
22 viding for referendum approval of the debt by the
23 members of the district if the greater of 50 members
24 or 5% request a vote on issuance of the debt.

25 The new draft further clarifies the provisions
26 and procedures for borrowing and clarifies procedures
27 for meetings of members and election by members of
28 the trustees.

29 Disposition Table - Part B

30	<u>New Section</u>	<u>Former Law</u>
31	Section 1	
32	Section 2.....	P&SL 1903, c. 11, §1
33	.....	P&SL 1905, c. 54, §1
34	Section 3	P&SL 1899, c. 54, §1
35	.....	P&SL 1949, c. 64
36	.....	P&SL 1959, c. 20

1	.....	P&SL 1965, c. 107
2	Section 4.	P&SL 1863, c. 262, §2
3	.....	P&SL 1887, c. 260
4	.....	P&SL 1903, c. 11
5	.....	P&SL 1905, c. 54
6	.....	P&SL 1911, c. 285, §1
7	Section 5.	P&SL 1863, c. 262, §3
8	.....	P&SL 1887, c. 260, §4
9	.....	P&SL 1887, c. 260, §5
10	Section 6.	P&SL 1863, c. 262, §5
11	.....	P&SL 1903, c. 11, §§3 and 5
12	.....	P&SL 1905, c. 54, §1
13	Section 7.....	P&SL 1863, c. 262, §6
14	.....	P&SL 1887, c. 260, §§6 and 7
15	.....	P&SL 1909, c. 199, §1
16	Section 8.....	P&SL 1863, c. 262, §7
17	Section 9.....	P&SL 1863, c. 262, §8
18	Section 10.....	New
19	Section 11.....	New
20	Section 12.....	New
21	Section 13.....	P&SL 1903, c. 11, §9
22	.....	P&SL 1905, c. 54, §1
23	Section 14.....	P&SL 1903, c. 11, §10
24	.....	P&SL 1905, c. 54, §1
25	.....	P&SL 1911, c. 285, §3
26	.....	P&SL 1915, c. 40
27	Section 15.....	P&SL 1903, c. 11, §12
28	.....	P&SL 1905, c. 54, §1
29	Section 16.....	P&SL 1887, c. 260
30		6971040886