

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-SIXTH LEGISLATURE

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HOUSE

NO. 205

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*House of Representatives, Feb. 10, 1913.*

*Reported by Mr. Peacock from Committee on Legal Affairs  
and ordered printed under joint rules.*

*W. R. ROIX, Clerk.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTEEN.

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AN ACT to incorporate the Southwest Harbor Water District.

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

Section 1. The following territory and the people within  
2 the same, namely the town of Southwest Harbor except lots  
3 Nos. 99 and 101 on Salem Town's plan of Mt. Desert Island  
4 said lots being in town of Southwest Harbor, shall consti-  
5 tute a public municipal corporation under the name of the  
6 Southwest Harbor Water District for the purpose of sup-  
7 plying the inhabitants of said municipality with pure water  
8 for domestic, sanitary, and municipal purposes.

Sect. 2. The said district for the purpose of its incorpo-  
2 ration is hereby authorized to take, hold, divert, use and

3 distribute water from Long Pond or any springs, artesian  
4 wells or streams or ponds in said town of Southwest Har-  
5 bor or adjoining towns, provided that no water except as  
6 herein provided, be taken from springs or ponds now used  
7 for similar purposes without the consent of the owner.

Sect. 3. The said district for the purpose of its incorpo-  
2 ration, is hereby authorized to take and hold, as for public  
3 uses, by purchase or otherwise, any land or interest therein  
4 or water rights necessary for erecting and maintaining dams,  
5 for flowage, for power for pumping its water supply through  
6 its mains, for reservoirs, for preserving the purity of the  
7 water and water shed, for laying and maintaining aqueducts  
8 and other structures for taking, distributing, discharging  
9 and disposing of water and rights of way or roadways to its  
10 source of supply, dams, power stations, reservoirs, mains,  
11 aqueducts structures and lands.

Sect. 4. The said district is hereby authorized to lay in  
2 and through the streets, roads, ways and highways thereof  
3 of the town of Southwest Harbor and across private lands  
4 therein, and to maintain, repair and replace all such pipes,  
5 aqueducts and fixtures as may be necessary and convenient  
6 for its corporate purposes, and whenever said district shall  
7 lay any pipes or aqueducts in any street, road, way or high-  
8 way it shall cause the same to be done with as little obstruc-  
9 tion as practicable to the public travel and shall at its own  
10 expense without unnecessary delay cause the earth and pave-  
11 ment removed by it to be replaced in proper condition.

Sect. 5. The said district is hereby authorized for the purpose of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes.

Sect. 6. In exercising any right of eminent domain conferred upon it by law, from time to time, or any right of eminent domain through or under the franchises of any water company by it acquired, the said district shall file in the office of the county commissioners of Hancock county and record in the registry of deeds in said county plans of the location of all lands or interests therein or water rights, to be taken with an appropriate description and the names of the owners thereof, if known. When for any reason the district fails to acquire the property authorized to be taken, and which is described in such location, or the location recorded is defective or uncertain, it may at any time, correct and perfect such location and file a new description thereof, and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands, except to make surveys, until the expiration of ten days from such filing, whereon possession may be had of all said lands or interests therein or water rights so taken, but title thereto shall not vest in said district until payment therefor.

Sect. 7. If any person sustaining damages by any taking  
2 as aforesaid, shall not agree with said district upon the sum  
3 to be paid therefor, either party, upon petition to the county  
4 commissioners of Hancock county, may have said damages  
5 assessed by them; the procedure and all subsequent pro-  
6 ceedings and right of appeal thereon shall be had under the  
7 same restrictions, conditions and limitations as are or may  
8 be by law prescribed in the case of damages by the laying  
9 out of highways.

Sect. 8. In case of any crossing of a railroad, unless con-  
2 sent is given by the company owning or operating such rail-  
3 road as to place, manner and condition of the crossing, with-  
4 in thirty days after such consent is requested by said dis-  
5 trict, the railroad commissioners shall determine the place,  
6 manner and condition of such crossing; and all work within  
7 the limits of such railroad location shall be done under the  
8 supervision and to the satisfaction of such railroad com-  
9 pany, but at the expense of the district.

Sect. 9. All the affairs of said district shall be managed  
2 by a board of trustees composed of three members to be  
3 elected by a plurality vote of the legal voters within said  
4 water district at an election to be specially called and held  
5 therefor on the fourth Monday in July, nineteen hundred  
6 and thirteen. Such special election shall be called, adver-  
7 tised and conducted according to the law relating to munici-  
8 pal elections in said town of Southwest Harbor.

The result of such election shall be declared by the munic-

10 pal officers and due certificate thereof filed with the town  
11 clerk thereof. The term of office of the trustees shall begin  
12 on the said fourth Monday of July as soon as convenient af-  
13 ter members of said board have been chosen said trustees  
14 shall hold a meeting at the selectmen's office in said town of  
15 Southwest Harbor and organize by the election of a presi-  
16 dent and clerk, adopt a corporate seal and when necessary  
17 may choose a treasurer and all other needful officers and  
18 agents for the proper conduct and management of the af-  
19 fairs of said district. They may also ordain and establish  
20 such by-laws as are necessary for their own convenience and  
21 the proper management of the affairs of said district. At  
22 said first meeting the trustees so elected shall determine by  
23 lot the term of office of each trustee so that one trustee shall  
24 retire each year and whenever the term of office of a trus-  
25 tee expires his successor shall be elected by a plurality vote  
26 by the legal voters of the said water district, and for the  
27 purpose of such election a meeting of said water district  
28 will be called and held on the fourth Monday of July in  
29 each year. The same to be called in the manner hereinbe-  
30 fore provided for the election of trustees. The trustees so  
31 elected shall serve the full term of three years; and in case  
32 a vacancy arises in the membership of the board of trustees  
33 it shall be filled in like manner for the unexpired term, by  
34 special election to be called by the municipal officers of the  
35 town of Southwest Harbor. All such trustees shall be el-  
36 igible to re-election but not person holding a municipal of-

37 fice in said town of Southwest Harbor shall be eligible to  
38 election as trustee. Said trustees may procure an office and  
39 incur such expenses as may be necessary. Each member  
40 shall receive in full compensation of his service the sum of  
41 two dollars for each and every regular and special meeting  
42 of said board at which he is in attendance.

At the close of each fiscal year the trustees shall make a  
44 detailed report of their doings of the receipts and expendi-  
45 tures of said water district, of its financial and physical con-  
46 dition and of such other matter and things pertaining to  
47 said district as shall show the inhabitants of said district  
48 how said trustees are fulfilling the duties and obligations  
49 of their trust, such reports to be made and filed with municipi-  
50 pal officers of the town of Southwest Harbor on or before  
51 the first day of February of each year. The report of said  
52 trustees to be printed by the municipal officers of the town  
53 of Southwest Harbor in their yearly report.

Sect. 10. Said Water District is hereby authorized and  
2 empowered to acquire by purchase or by exercise of the  
3 right of eminent domain, which right is hereby expressly  
4 delegated to said district for said purpose, the entire plant,  
5 properties, franchises, rights and privileges of the South-  
6 west Harbor Water Company, except its cash assets includ-  
7 ing all lands, waters, water rights, artesian wells, dams,  
8 structures, reservoirs, pipes, machinery fixtures, hydrants,  
9 tools and all apparatus and appliances owned by said com-  
10 pany and used or usable in supplying water in said district.

The said Water Company is hereby authorized to sell and  
12 transfer its franchises and properties to said water district.

All said franchises and properties shall be taken subject  
14 to all bonds, mortgages, liens and encumbrances thereon,  
15 all of which bonds, mortgages, liens and encumbrances shall  
16 be assumed and paid by said water district.

Sect. 11. The Southwest Harbor Water Company may  
2 at its option, on or before the second Monday in August,  
3 nineteen hundred and thirteen, file with said trustees an offer  
4 in writing, stating therein the price at which the company  
5 signing the same will sell and transfer its entire plant, prop-  
6 erty, franchise, rights and privileges, except its cash assets,  
7 subject to all bonds, liens, mortgages and encumbrances to  
8 said water district.

Said offer shall provide that actual possession of the plant  
10 and property shall not be given until payment therefor, but  
11 that delivery of possession when made, shall be as of the  
12 second Monday in August, nineteen hundred and thirteen,  
13 from which day interest on said price shall run at the rate  
14 of five per cent per annum and all net rents and profits  
15 accruing thereafter shall belong to said water district.

Such offers shall further provide that payment of said price  
17 shall be made by said district at its option on or before the  
18 first day of December, nineteen hundred and thirteen.

The said water district shall in writing accept or reject all  
20 said offers on or before the first Monday in September of  
21 said year but it may accept either of each offer and reject



22 the other, but in that event it shall not be entitled to actual  
23 possession nor be required to make payment in the case of  
24 acceptance until after its acquisition by eminent domain, as  
25 herein after provided, of the plant, property and franchise  
26 of the company whose offer is rejected. In all cases of  
27 acceptance as aforesaid the water company shall forthwith  
28 cause proper deeds of transfer and conveyance to be made  
29 and filed in the clerk's office of the supreme judicial court  
30 for the county of Hancock, for the inspection of said water  
31 district, and to be approved by the court, or any justice  
32 thereof, in term time or vacation. The said water district  
33 through its trustees, shall file its petition, in each case where  
34 acceptance is made as aforesaid, in the clerk's office of the  
35 supreme judicial court for the county of Hancock, in term  
36 time or vacation, addressed to any justice of said court, al-  
37 leging its willingness to pay the agreed purchase price and  
38 interest in each case, into court before the first day of De-  
39 cember, nineteen hundred and thirteen, for the benefit of the  
40 water company interested therein, and said court, through  
41 any justic thereof, in term time or vacation, after notice to  
42 the water company interested therein and its mortgagees,  
43 and hearing thereon, shall make all necessary decrees for  
44 the vesting of full title in said water district to the entire  
45 plant, property and franchises of the defendant water com-  
46 pany in such petitions subject to all bonds, liens, mortgages  
47 and encumbrances thereon after such final decree and before  
48 transfer of the plant, property and franchise in accordance

49 therewith, and before payment therefor, the court sitting in  
50 said county of Hancock, by a single justice thereof, as here-  
51 inbefore provided shall upon motion of either party, after  
52 notice and hearing take account of all receipts and expendi-  
53 tures properly had or incurred by the defendant water com-  
54 pany, belonging to the period from and after August  
55 eleventh, nineteen hundred and thirteen, and all the net rents  
56 and profits accruing thereafter and shall order the net bal-  
57 ance due to either party to be added to or deducted from  
58 the amount to be paid under said final decree as the case  
59 may be. All findings of law or fact by any single justice at  
60 the hearing aforesaid, the water company interested therein  
61 may compel said water district, by appropriate process in  
62 equity to perform its contract of acceptance and to pay for  
63 the plant, property and franchise in accordance therewith.

Sect. 12. Where the said trustees fail to agree with said  
2 water company upon terms of purchase, as hereinbefore pro-  
3 vided, on or before the first Monday in September, nineteen  
4 hundred and thirteen, then said water district, through its  
5 trustees, is hereby authorized to take all the plant, proper-  
6 ties and franchises of such water company, subject, how-  
7 ever, to all mortgages, liens and incumbrances thereon as  
8 provided in section ten, so failing to agree, as for public  
9 uses, by a petition therefor in the manner hereinafter pro-  
10 vided, wherein such water company and its mortgages shall  
11 be the parties defendant. And said water district through  
12 its trustees is hereby authorized, on or before October fif-

13 tenth, nineteen hundred and thirteen, to file a petition  
13a in the clerk's office of the supreme judicial court for  
14 the county of Hancock, in term time or vacation, ad-  
15 dressed to any justice thereof, who, after notice to said  
16 defendant water company and its mortgages, shall after  
17 hearing and within thirty days after the filing of said  
18 petition, appoint three disinterested appraisers, none of  
19 whom shall be residents of the county of Hancock, one of  
20 whom shall be learned in the law, for the purpose of fixing  
21 the valuations respectively of the plant, property and fran-  
22 chises of said defendant water company, as described in  
23 section ten. Said petition shall not be dismissed after filing,  
24 but may and shall be amended in any manner required to  
25 enable the court to make all necessary decrees thereon. At  
26 the hearing aforesaid, such justice, upon motion of the peti-  
27 tioner, may order the production and filing in court, for the  
28 inspection of the petitioner, of all books and papers perti-  
29 nent to the issues to be heard by said appraisers, the term  
30 and conditions of so producing and filing such books and  
31 papers to be determined by said justice in his order therefor  
32 and to be enforced from time to time as any justice of said  
33 supreme judicial court, in term time or in vacation, upon  
34 motion of either party, may deem reasonable and proper  
35 in the premises. At such hearing, such justice, upon mo-  
36 tion of the petitioner, may fix a time at which the defendant  
37 water company shall file in the clerk's office of the supreme  
38 judicial court for the county of Hancock, for the inspection  
39 of the petitioner, the following: First, schedule showing

40 the names, residence, street number, if any, and water ser-  
41 vice of each customer on the second Monday in August, in  
42 the year of our Lord nineteen hundred and thirteen, with  
43 rate charged therefor; second, copies of all contracts in  
44 force on said second Monday in August with all municipal  
45 corporations and water companies; third, an itemized state-  
46 ment of the gross income earned during its last complete  
47 fiscal year and all operating expenses and fixed charges  
48 paid or incurred during such year and properly chargeable  
49 thereto; fourth, a memorandum of all real estate, or interest  
50 therein, owned or controlled on said second Monday in Au-  
51 gust with such brief description thereof as will reasonably  
52 identify the same; fifth, a memorandum of all water rights  
53 used or owned on said second Monday in August, with a  
54 brief description thereof and a concise statement of the  
55 method of acquiring the same; sixth, duplicate plans of all  
56 dams owned in whole or part on said second Monday in  
57 August with specifications thereof; seventh, description and  
58 specifications of all reservoirs and standpipes owned on said  
59 second Monday in August; eighth, a description of all pipes,  
60 service pipes, hydrants, gates, gate boxes, shut off boxes,  
61 valves fixtures and machinery and all the physical elements  
62 in such water system, giving in detail all quantities, sizes,  
63 lengths, specifying the streets, roads or way where situated;  
64 ninth, an itemized list of all tools, apparatus and appliances  
65 used or usable in supplying water on said second Monday in  
66 August. Such orders may be enforced from time to time

67 by any justice of said supreme judicial court, in term or in  
68 vacation, upon motion of either party as such justice may  
69 deem reasonable and proper in the premises. At such hear-  
70 ing the justice then sitting may, upon motion of the peti-  
71 tioner, make all such decrees as he deems reasonable and  
72 proper to enable the petitioner, through its servants and  
73 employecs, to ascertain the condition of the mains and pipes  
74 of the defendant water company, externally and internally,  
75 all work connected therewith to be in the presence of the  
76 agents of the water company, and at the election of the  
77 water company by its servants, otherwise by the petitioner,  
78 but wholly at the expense of said water district, said decree  
79 to fix the number of such examinations and to impose such  
80 conditions as may to the court seem just and proper in the  
81 premises. The said appraisers shall have the power of  
82 compelling attendance of witnesses and the production of  
83 books and papers pertinent to the issue and may administer  
84 oaths; and any witness or person in charge of such books  
85 or papers refusing to attend or to produce the same shall be  
86 subject to the same penalties and proceedings, so far as ap-  
87 plicable, as witnesses summoned to attend the supreme ju-  
88 dicial court. Depositions may be taken as in civil actions.  
89 The said appraisers may appoint a sufficient number of sten-  
90 ographers to enable a full report of the proceedings of each  
91 day to be in readiness for use the following day, each of said  
92 appraisers so to have one copy thereof and the parties to  
93 receive such number of copies as the appraisers may deem

94 necessary. The compensation and expenses of said sten-  
95 ographers shall be taxed and allowed by the appraisers and  
96 be paid and borne as hereinafter provided. Their report  
97 certified by said appraisers as correct, shall be filed with the  
98 award, to be made by said appraisers and shall be legal evi-  
99 dence of all proceedings so reported. They shall make full  
100 report as required at trials had in the supreme judicial  
101 court. The appraisers so appointed shall, after due notice  
102 and hearing, fix the respective valuations of the plants,  
103 properties and franchises of said defendant water company  
104 at what they are fairly and equitably worth, so that said wa-  
105 ter company shall receive just compensation for all the same.  
106 The second Monday in August, nineteen hundred and thir-  
107 teen, shall be the date as of which the valuation aforesaid  
108 shall be fixed, from which date interest on said award at  
109 the rate of five per cent per annum shall run, and all net  
110 rents and profits accruing thereafter shall belong to said  
111 water district. The report of said appraisers or of a majority  
112 of them, shall be filed in said clerk's office within six months  
113 after their appointment, but, if at the expiration of said six  
114 months the hearing before said appraisers should then be  
115 in progress and unfinished, their report may be so filed  
116 within thirty days after close of said hearing. After said  
117 report is filed, such single justice, so appointing said ap-  
118 praisers, or in case of his inability to act, then any justice  
119 designated for the purpose, by the chief justice, may, after  
120 notice and hearing, confirm or reject the same or recommit,

121 if justice so requires, and in case of such rejection or re-  
122 committal such justice may fix the times for new hearing  
123 and new report thereon. The award of the appraisers  
124 shall be conclusive as to valuations. Upon the confirma-  
125 tion of their report, the court so sitting, in term time or  
126 vacation, shall thereupon, after hearing make final decree  
127 upon the whole matter including transfer of the properties  
128 and franchises, jurisdiction over which is hereby conferred  
129 with the same power to enforce said decree as in equity  
130 cases. All the costs and expenses arising under such pe-  
131 tition and appraisal shall be paid and borne as directed by  
132 the court in said final decree. The finding of such justice  
133 as to such costs and expenses and their apportionment shall  
134 be final. In all other matters the justice so making such  
135 final decree shall, upon request of any of the parties, mak-  
136 ing separate findings of law and fact. All such findings  
137 of fact shall be final, but any party aggrieved may take ex-  
138 ceptions to any rulings of law so made, the same to be ac-  
139 companied only by such parts of the case as are necessary  
140 to a clear understanding of the questions raised thereby.  
141 Such exceptions shall be claimed on the docket within ten  
142 days after such final decree is signed, entered and filed,  
143 and notice thereof has been given by the clerk to the parties  
144 or their counsel, and said exceptions so claimed shall be  
145 made up, allowed and filed within said time unless further  
146 time is granted by the court or by agreement of the parties.  
147 They shall be entered at the next term of the law court to

148 be held after the filing of such exception and there heard  
149 unless otherwise agreed, or the law court shall for good  
150 cause order a further time for hearing thereon. Upon  
151 such hearing the law court may confirm, reverse or modify  
152 the decree of the court below, or remand the cause for fur-  
153 ther proceedings as it seems shall remain on the docket of  
154 the court below marked 'Law', and decree shall be entered  
155 thereon by a single justice, in term time or vacation, in ac-  
156 cordance with the certificate and opinion of the law court.  
157 Before the aforesaid plant, property and franchises, or any  
158 of them, are transferred in accordance with such final de-  
159 cree, and before the payment therefor, the court sitting in  
160 in said county of Hancock, by a single justice thereof, as  
161 hereinbefore provided, shall, upon motion of any party,  
162 after notice and hearing, take account of all receipts and  
163 expenditures properly had and incurred by the said water  
164 company belonging to the period from and after the sec-  
165 ond Monday in August, nineteen hundred and thirteen,  
166 and all net rents and profits accruing thereafter, and shall  
167 order the net balance due to any party to be added to or  
168 deducted from the amount to be paid under said final  
169 decree as the case may be. All finding of law or fact by  
170 such single justice at such hearings shall be final. On pay-  
171 ment or tender by said water district of the amounts so  
172 fixed and the performance of all of the terms and condi-  
173 tions so imposed by the court, the entire plant, properties  
174 and franchises of said water company, as described in sec-



175 tion ten, shall become vested in said water district subject  
176 to all bonds, liens, mortgages and encumbrances thereon  
177 heretofore created by said water company. After the filing  
178 of said petition it shall not be discontinued or withdrawn  
179 by said water district, and the said water company may  
180 thereafterwards cause said valuation to be made as herein  
181 provided, and shall be entitled to appropriate process to  
182 compel said water district to perform the terms of the  
183 final decree and to pay for said plant, properties and fran-  
184 chises in accordance therewith. If a vacancy occurs at  
185 any time in said board of appraisers, from any cause, any  
186 justice of the supreme judicial court, sitting in said county  
187 of Hancock, may, in term time or vacation, after notice  
188 and hearing, appoint a new appraiser or appraisers, and  
189 make all such orders for hearing said cause by the apprais-  
190 ers anew or for any extension of time for making their  
191 award, or otherwise, as the circumstances of the case may  
192 require.

Sect. 13. For accomplishing the purposes of this act, said  
2 water district, through its trustees, is authorized to borrow  
3 money temporarily, and to issue therefor the interest-bear-  
4 ing negotiable notes of the district, and for the purpose of  
5 refunding the indebtedness so created of paying any neces-  
6 sary expenses and liabilities, incurred under the provisions  
7 of this act, including the expenses incurred in the creation  
8 of the district, in acquiring the properties and franchises of  
9 the Southwest Harbor Water Company, by purchase or

10 otherwise, or the purchase or acquisition of the properties  
11 and franchises of said water company of assuming and pay-  
12 ing the bonds, mortgages, liens, and encumbrances thereon,  
13 as provided in section ten, of securing sources of supply,  
14 taking water and land, paying damages, laying pipes, con-  
15 structing, maintaining and operating a water plant, and mak-  
16 ing renewals, extensions, additions and improvements to  
17 the same, the said water district, through its trustees, may  
18 from time to time issue bonds of the district, to an amount  
19 or amounts necessary in the judgment of the trustees there-  
20 for. Said notes and bonds shall be legal obligations of said  
21 water district, which is hereby declared to be a quasi municipi-  
22 pal corporation within the meaning of section ninety-six,  
23 chapter forty-seven of the Revised Statutes, and all the pro-  
24 visions of said section shall be applicable thereto. The said  
25 notes and bonds shall be legal investment for savings banks.

Sect. 14. All individuals, firms, and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of  
3 said district the rates established by said board of trustees  
4 for the water used by them, and said rates shall be uniform  
5 within the territory supplied by the district. Said rates shall  
6 be so established so as to provide for the following pur-  
7 poses:

I. To pay the current expenses for operating and main-  
9 taining the water system.

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

III. To provide each year a sum equal to not less than  
13 one-half of one per cent nor more than five per cent of the  
14 entire indebtedness created or assumed by the district,  
15 which sum shall be turned into a sinking fund and there  
16 kept to provide for the extinguishment of such indebtedness.  
17 The money set aside for the sinking fund shall be devoted  
18 to the retirement of the obligations of the district or in-  
19 vested in such securities as saving banks are allowed to hold.

IV. If any surplus remains at the end of the year, it may  
21 be paid to the town of Southwest Harbor.

Sect. 15. All incidental powers, rights and privileges nec-  
2 essary to the accomplishment of the main object herein set  
3 forth are granted to the public municipal corporation hereby  
4 created.

Sect. 16. This act so far as it includes the territory and  
2 people constituting the Southwest Harbor Water District,  
3 as provided in section one hereof, shall not take effect as  
4 to said Southwest Harbor, unless accepted and approved by  
5 a majority vote of the legal voters of said town voting at an  
6 election to be specially called and held for the purpose on  
7 the second Monday of July, nineteen hundred and thirteen.  
8 Such special election shall be called, advertised and con-  
9 ducted according to the law relating to municipal elections.  
10 The town clerk shall reduce the subject matter of this act to  
11 the following question: 'Shall the act to incorporate the  
12 Southwest Harbor Water District be accepted?' and the  
13 voters shall indicate by the words 'yes' or 'no' their opinion

14 of the same. The result in said town of Southwest Harbor  
15 shall be declared by the selectmen and due certificate thereof  
16 filed by the town clerk with the secretary of state.

Sect. 17. This act, subject to the provision of Section six-  
2 teen, shall take effect when approved by a majority vote of  
3 the legal voters of said Southwest Harbor Water District  
4 voting at an election to be specially called and held for the  
5 purpose on the second Monday of July, nineteen hundred  
6 and thirteen, such special election shall be called, advertised  
7 and conducted according to the law relating to municipal  
8 elections. The town clerk shall reduce the subject matter  
9 of this act to the following question: 'Shall the act to in-  
10 corporate the Southwest Harbor Water District be accept-  
11 ed?' and the voters shall indicate by the words 'Yes' or 'No'  
12 their opinion of the same. The result shall be declared by  
13 the selectmen and due certificate filed by the town clerk with  
14 the secretary of state.

Sect. 18. Sections two, three, four, five, six and seven  
2 and eight shall be inoperative, null and void unless the said  
3 water district shall first acquire by purchase or by the exer-  
4 cise of the right of eminent domain as in this act provided,  
5 the plant, properties and franchises, rights and privileges  
6 of the Southwest Harbor Water Company.

Sect. 19. This act shall take effect in ninety days after  
2 the final adjournment of the legislature, so far as necessary  
3 to empower the calling and holding of the elections author-  
4 ized in section sixteen herein provided for.