

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 522

House of Representatives, March 14, 1913.

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

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Southwest Harbor Water District.

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
3 lots Nos. 99 and 101 on Salem Town's plan of Mt. Desert
4 Island, said lots being in town of Southwest Harbor, shall
5 constitute a public municipal corporation under the name
6 of the Southwest Harbor Water District for the purpose
7 of supplying the inhabitants of said municipality with pure
8 water 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 situated in the towns of
4 Southwest Harbor, Mt. Desert and Tremont and also from
5 any artesian wells, streams or ponds in said town of South-
6 west Harbor, provided that no water except as herein pro-
7 vided, shall be taken from any spring not in actual use for
8 domestic purposes, or ponds now used for similar purposes
9 without the consent of the owners.

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
10 its 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
2 purpose of its incorporation, to erect and maintain all dams,
3 reservoirs and structures necessary and convenient for its
4 corporate purposes.

Sect. 6. In exercising any right of eminent domain con-
2 ferred upon it by law, from time to time, or any right of
3 eminent domain through or under the franchises of any
4 water company by it acquired, the said district shall file
5 in the office of the county commissioners of Hancock county
6 and record in the registry of deeds in said county plans of
7 the location of all lands or interests therein or water rights
8 to be taken, with an appropriate description and the names
9 of the owners thereof, if known. When for any reason
10 the district fails to acquire the property authorized to be
11 taken, and which is described in such location, or if the
12 location recorded is defective or uncertain, it may at any
13 time, correct and perfect such location and file a new de-
14 scription thereof, and in such case the district is liable in
15 damages only for property for which the owner had not
16 previously been paid, to be assessed as of the time of the
17 original taking, and the district shall not be liable for any
18 acts which would have been justified if the original taking
19 had been lawful. No entry shall be made on any private
20 lands, except to make surveys, until the expiration of ten

21 days from such filing, whereon possession may be had of
22 all said lands or interests therein or water rights so taken,
23 but title thereto shall not vest in said district until payment
24 therefor.

Sect. 7. If any person sustaining damages by any taking
2 as aforesaid, shall not agree with said district upon the
3 sum to be paid therefor, either party, upon petition to the
4 county commissioners of Hancock county, may have said
5 damages assessed by them; the procedure and all subse-
6 quent proceedings and right of appeal thereon shall be had
7 under the same restrictions, conditions and limitations as
8 are or may be by law prescribed in the case of damages
9 by the laying 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 the place, manner and condition of the crossing,
4 within thirty days after such consent is requested by said
5 district, 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, who
3 shall be elected by a plurality vote of the legal voters within
4 said water district at an election to be specially called and
5 held therefor on the fourth Monday in July, nineteen hun-

6 dred and thirteen. Such special election shall be called,
7 advertised and conducted according to the law relating to
8 municipal elections in said town of Southwest Harbor.

The result of such election shall be declared by the muni-
10 cipal officers and due certificate thereof filed with the town
11 clerk thereof. The term of office of the trustees shall be-
12 gin on the said fourth Monday of July. As soon as con-
13 venient after members of said board have been chosen, said
14 trustees shall hold a meeting at the selectmen's office in said
15 town of Southwest Harbor and organize by the election of
16 a president and clerk, adopt a corporate seal and when nec-
17 essary may choose a treasurer and all other needful offi-
18 cers and agents for the proper conduct and management of
19 the affairs of said district. They may also ordain and es-
20 tablish such by-laws as are necessary for their own con-
21 venience and the proper management of the affairs of said
22 district. At said first meeting the trustees so elected shall
23 determine by lot the term of office of each trustee so that
24 one trustee shall retire each year and whenever the term
25 of office of a trustee expires his successor shall be elected
26 by a plurality vote by the legal voters of the said water
27 district, and for the purpose of such election a meeting of
28 said water district shall be called and held on the fourth
29 Monday of July in each year, the same to be called in the
30 manner hereinbefore provided for the first election of trus-
31 tees. The trustees so elected shall serve the full term of
32 three years; and in case a vacancy arises in the membership

33 of the board of trustees it shall be filled in like manner for
34 the unexpired term, by special election to be called by the
35 municipal officers of the town of Southwest Harbor. All
36 such trustees shall be eligible to re-election but no person
37 holding a municipal office in said town of Southwest Har-
38 bor shall be eligible to election as trustee. Said trustees
39 may procure an office and incur such expenses as may be
40 necessary. Each member shall receive in full compensation
41 of his service the sum of two dollars for each and every
42 regular and special meeting of said board at which he is
43 in attendance.

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

Section 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, in-

7 cluding 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
4 offer in writing, stating therein the price at which the com-
5 pany signing the same will sell and transfer its entire plant,
6 property, franchises, rights and privileges, except its cash
7 assets, subject to all bonds, liens, mortgages and encum-
8 brances to said water district. Said offer shall provide that
9 actual possession of the plant and property shall not be given
10 until payment therefor, but that delivery of possession when
11 made, shall be as of the second Monday in August, nine-
12 teen hundred and thirteen, from which day interest on said
13 price shall run at the rate of five per cent per annum and
14 all net rents and profits accruing thereafter shall belong to
15 said water district.

Such offers shall further provide that payment of said
17 price shall be made by said district at its option on or before

18 the first day of December, nineteen hundred and thirteen.

19 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 offer and reject the other,
22 but in that event it shall not be entitled to actual possession
23 nor be required to make payment in the case of acceptance
24 until after its acquisition by eminent domain, as hereinafter
25 provided, of the plant, property and franchise of the com-
26 pany whose offer is rejected. In all cases of acceptance
27 as aforesaid the water company shall forthwith cause proper
28 deeds of transfer and conveyance to be made and filed in
29 the clerk's office of the supreme judicial court for the coun-
30 ty of Hancock, for the inspection of said water district, and
31 to be approved by the court, or any justice thereof, in term
32 time or vacation. The said water district through its trus-
33 tees, shall file its petition, in each case where acceptance is
34 made as aforesaid, in the clerk's office of the supreme judi-
35 cial court for the county of Hancock, in term time or vaca-
36 tion, addressed to any justice of said court, alleging its will-
37 ingness to pay the agreed purchase price and interest in
38 each case, into court before the first day of December, nine-
39 teen hundred and thirteen, for the benefit of the water com-
40 pany interested therein, and said court, through any justice
41 thereof, in term time or vacation, after notice to the water
42 company interested therein and its mortgagees, and hearing
43 thereon, shall make all necessary decrees for the vesting of
44 full title in said water district to the entire plant, property

45 and franchises of the defendant water company in such
46 petitions subject to all bonds, liens, mortgages and encum-
47 brances thereon. After such final decree and before trans-
48 fer of the plant, property and franchises in accordance there-
49 with, and before payment therefor, the court sitting in said
50 county of Hancock, by a single justice thereof, as herein-
51 before 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 elev-
55 enth, 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
60 at the hearing aforesaid shall be final. After any such
61 acceptance as aforesaid the water company interested there-
62 in may compel said water district, by appropriate process
63 in equity, to perform its contract of acceptance and to pay
64 for the plant, property and franchises in accordance there-
65 with.

Sect. 12. Where the said trustees fail to agree with
2 said water company upon terms of purchase, as herein-
3 before provided, on or before the first Monday in Septem-
4 ber, nineteen hundred and thirteen, then said water district,
5 through its trustees, is hereby authorized to take all the
6 plant, properties and franchises of such water company,

7 subject, however, to all bonds, mortgages, liens and incum-
8 brances thereon as provided in section ten, so failing to
9 agree, as for public uses, by a petition therefor in the man-
10 ner hereinafter provided, wherein such water company and
11 its mortgagees shall be the parties defendant. And said
12 water district through its trustees is hereby authorized on
13 or before October fifteenth, nineteen hundred and thirteen,
14 to file a petition in the clerk's office of the supreme judicial
15 court for the county of Hancock, in term time or vacation,
16 addressed to any justice thereof, who, after notice to said
17 defendant water company and its mortgagees, shall after
18 hearing and within thirty days after the filing of said peti-
19 tion, appoint three disinterested appraisers, none of whom
20 shall be residents of the county of Hancock, one of whom
21 shall be learned in the law, for the purpose of fixing the
22 valuations respectively of the plant, property and fran-
23 chises of said defendant water company, as described in
24 section ten. Said petition shall not be dismissed after filing,
25 but may and shall be amended in any manner required to
26 enable the court to make all necessary decrees thereon. At
27 the hearing aforesaid, such justice, upon motion of the
28 petitioner, may order the production and filing in court, for
29 the inspection of the petitioner, of all books, and papers
30 pertinent to the issues to be heard by said appraisers, the
31 term and conditions of so producing and filing such books
32 and papers to be determined by said justice in his order
33 therefor and to be enforced from time to time as any jus-

34 tice of said supreme judicial court, in term time or in vaca-
35 tion, upon motion of either party, may deem reasonable and
36 proper in the premises. At such hearing, such justice, upon
37 motion of the petitioner, may fix a time at which the de-
38 fendant water company shall file in the clerk's office of the
39 supreme judicial court for the county of Hancock, for the
40 inspection of the petitioner, the following: First, schedule
41 showing the names, residence, street number, if any, and
42 water service of each customer on the second Monday in
43 August, in the year of our Lord nineteen hundred and thir-
44 teen, with rate charged therefor; second, copies of all con-
45 tracts in force on said second Monday in August with all
46 municipal corporations and water companies; third, an item-
47 ized statement of the gross income earned during its last
48 complete fiscal year and all operating expenses and fixed
49 charges paid or incurred during such year and properly
50 chargeable thereto; fourth, a memorandum of all real es-
51 tate, or interest therein, owned or controlled on said second
52 Monday in August with such brief description thereof as
53 will reasonably identify the same; fifth, a memorandum of
54 all water rights used or owned on said second Monday in
55 August with a brief description thereof and a concise state-
56 ment of the method of acquiring the same; sixth, duplicate
57 plans of all dams owned in whole or part on said second
58 Monday in August with specifications thereof; seventh, de-
59 scriptions and specifications of all reservoirs and stand-
60 pipes owned on said second Monday in August; eighth, a

61 description of all pipes, service pipes, hydrants, gates, gate
62 boxes, shut off boxes, valves, fixtures and machinery and
63 all the physical elements in such water system, giving in
64 detail all quantities, sizes, lengths, specifying the streets,
65 roads or ways where situated; ninth, an itemized list of all
66 tools, apparatus and appliances, used or usable in supply-
67 ing water on said second Monday in August. Such orders
68 may be enforced from time to time by any justice of said
69 supreme judicial court, in term time or in vacation, upon
70 motion of either party as such justice may deem reasonable
71 and proper in the premises. At such hearing the justice
72 then sitting may, upon motion of the petitioner, make all
73 such decrees as he deems reasonable and proper to enable
74 the petitioner, through its servants and employees, to ascer-
75 tain the condition of the mains and pipes of the defendant
76 water company, externally and internally, all work con-
77 nected therewith to be in the presence of the agents of the
78 water company, and at the election of the water company
79 by its servants, otherwise by the petitioner, but wholly at
80 the expense of said water district, said decree to fix the
81 number of such examinations and to impose such conditions
82 as may to the court seem just and proper in the premises.
83 The said appraisers shall have the power of compelling at-
84 tendance of witnesses and the production of books and
85 papers pertinent to the issue and may administer oaths;
86 and any witness or person in charge of such books or pa-
87 pers refusing to attend or to produce the same shall be

88 subject to the same penalties and proceedings, so far as
89 applicable, as witnesses summoned to attend the supreme
90 judicial court. Depositions may be taken as in civil actions.
91 The said appraisers may appoint a sufficient number of
92 stenographers to enable a full report of the proceedings of
93 each day to be in readiness for use the following day, each
94 of said appraisers so to have one copy thereof and the
95 parties to receive such number of copies as the appraisers
96 may deem necessary. The compensation and expenses of
97 said stenographers shall be taxed and allowed by the ap-
98 praisers and be paid and borne as hereinafter provided.
99 Their report certified by said appraisers as correct shall
100 be filed with the award, to be made by said appraisers,
101 and shall be legal evidence of all proceedings so reported.
102 They shall make full report as required in trials had in the
103 supreme judicial court. The appraisers so appointed shall,
104 after due notice and hearing, fix the respective valuations
105 of the plants, properties and franchises of said defendant
106 water company at what they are fairly and equitably worth,
107 so that said water company shall receive just compensation
108 for all the same. The second Monday in August, nine-
109 teen hundred and thirteen, shall be the date as of which
110 the valuation aforesaid shall be fixed, from which date
111 interest on said award at the rate of five per cent per
112 annum shall run, and all net rents and profits accruing
113 thereafter shall belong to said water district. The report
114 of said appraisers or of a majority of them, shall be filed

115 in said clerk's office within six months after their appoint-
116 ment, but, if at the expiration of said six months the hear-
117 ing before said appraisers should then be in progress and
118 unfinished, their report may be so filed within thirty days
119 after close of said hearing. After said report is filed,
120 such single justice, so appointing said appraisers, or in
121 case of his inability to act, then any justice designated for
122 the purpose, by the chief justice, may, after notice and
123 hearing, confirm or reject the same or recommit, if jus-
124 tice so requires, and in case of such rejection or recom-
125 mittal such justice may fix the times for new hearing and
126 new report thereon. The award of the appraisers shall
127 be conclusive as to valuations. Upon the confirmation of
128 their report, the court so sitting, in term time or vacation,
129 shall thereupon, after hearing make final decree upon the
130 whole matter including transfer of the properties and fran-
131 chises, jurisdiction over which is hereby conferred with
132 the same power to enforce said decree as in equity cases.
133 All the costs and expenses arising under such petition and
134 appraisal shall be paid and borne as directed by the court
135 in said final decree. The finding of such justice as to
136 such costs and expenses and their apportionment shall
137 be final. In all other matters the justice so making such
138 final decree shall, upon request of any of the parties, make
139 separate findings of law and fact. All such findings of
140 fact shall be final, but any party aggrieved may take ex-
141 ceptions to any rulings of law so made, the same to be

142 accompanied only by such parts of the case as are neces-
143 sary to a clear understanding of the questions raised there-
144 by. Such exceptions shall be claimed on the docket with-
145 in ten days after such final decree is signed, entered and
146 filed, and notice thereof has been given by the clerk to
147 the parties or their counsel, and said exceptions so claimed
148 shall be made up, allowed and filed within said time un-
149 less further time is granted by the court or by agreement
150 of the parties. They shall be entered at the next term
151 of the law court to be held after the filing of such excep-
152 tions and there heard unless otherwise agreed, or the law
153 court shall for good cause order a further time for hear-
154 ing thereon. Upon such hearing the law court may con-
155 firm, reverse or modify the decree of the court below, or
156 remand the cause for further proceedings as it seems
157 proper. During the pending of such exceptions the case
158 shall remain on the docket of the court below marked
159 "Law;" and decree shall be entered thereon by a single
160 justice, in term time or vacation, in accordance with the
161 certificate and opinion of the law court. Before the afore-
162 said plant, property and franchises, or any of them, are
163 transferred in accordance with such final decree, and be-
164 fore the payment therefor, the court sitting in said county
165 of Hancock, by a single justice thereof, as hereinbefore
166 provided, shall, upon motion of any party, after notice and
167 hearing, take account of all receipts and expenditures prop-
168 erly had and incurred by the said water company belong-

169 ing to the period from and after the second Monday in
170 August, nineteen hundred and thirteen, and all net rents
171 and profits accruing thereafter, and shall order the net
172 balance due to any party to be added to or deducted from
173 the amount to be paid under said final decree as the case
174 may be. All finding of law or fact by such single justice
175 at such hearings shall be final. On payment or tender
176 by said water district of the amounts so fixed and the per-
177 formance of all of the terms and conditions so imposed
178 by the court, the entire plant, properties and franchises
179 of said water company, as described in section ten, shall
180 become vested in said water district subject to all bonds,
181 liens, mortgages and encumbrances thereon heretofore cre-
182 ated by said water company. After the filing of said peti-
183 tion it shall not be discontinued or withdrawn by said
184 water district, and the said water company may thereafter-
185 wards cause said valuation to be made as herein provided,
186 and shall be entitled to appropriate process to compel said
187 water district to perform the terms of the final decree and
188 to pay for said plant, properties and franchises in accord-
189 ance therewith. If a vacancy occurs at any time in said
190 board of appraisers, from any cause, any justice of the su-
191 preme judicial court, sitting in said county of Hancock, may,
192 in term time or vacation, after notice and hearing, appoint
193 a new appraiser or appraisers, and make all such orders
194 for hearing said cause by the appraisers anew or for any
195 extension of time for making their award, or otherwise,

196 as the circumstances of the case may 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
9 of 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
12 paying the bonds, mortgages, liens, and encumbrances there-
13 on, as provided in section ten, of securing sources of sup-
14 ply, taking water and land, paying damages, laying pipes,
15 constructing, maintaining and operating a water plant, and
16 making renewals, extensions, additions and improvements
17 to the same, the said water district, through its trustees,
18 may from time to time issue bonds of the district, to an
19 amount necessary in the judgment of the trustees therefor.
20 Said notes and bonds shall be legal obligations of said water
21 district, which is hereby declared to be a quasi municipal
22 corporation within the meaning of section ninety-six, chap-
23 ter 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 investments 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 uni-
5 form within the territory supplied by the district. Said
6 rates shall be so established so as to provide for the follow-
7 ing purposes:

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
11 indebtedness 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, which
15 sum shall be turned into a sinking fund and there kept to
16 provide for the extinguishment of such indebtedness. The
17 money set aside for the sinking fund shall be devoted to
18 the retirement of the obligations of the district or invested
19 in such securities as savings 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.

Section 15. All incidental powers, rights and privileges
2 necessary to the accomplishment of the main object herein
3 set forth are granted to the public municipal corporation
4 hereby 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
5 by a majority vote of the legal voters of said town voting
6 at an election to be specially called and held for the pur-
7 pose on the second Monday of July, nineteen hundred and
8 thirteen. Such special election shall be called, advertised and
9 conducted according to the law relating to municipal elec-
10 tions. The town clerk shall reduce the subject matter of
11 this act to the following questions: "Shall the act to incor-
12 porate the Southwest Water District be accepted?" and the
13 voters shall indicate by the words "yes" or "no" their opin-
14 ion of the same. The result in said town of Southwest
15 Harbor shall be declared by the selectmen and due certifi-
16 cate thereof filed by the town clerk with the secretary of
17 state.

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

14 town clerk with the secretary of state.

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