

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 145

House of Representatives, Feb. 11, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Small of Mount Desert.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

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 lots
3 Nos. 99 and 101 on Salem Town's plan of Mount Desert
4 Island, said lots being in town of Southwest Harbor, shall
5 constitute a public municipal corporation under the name of
6 the 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 incorpora-
2 tion is hereby authorized to take, hold, divert, use and dis-

3 tribute water from Long pond situated in the towns of
4 Southwest Harbor and Mt. Desert and also from any arte-
5 sian wells, streams or ponds in said town of Southwest Har-
6 bor, provided that no water except as herein provided, shall
7 be taken from any spring not in actual use for domestic pur-
8 poses, or ponds now used for similar purposes without the
9 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 and
9 disposing of water and rights of way or roadways to its
10 source of supplies, dams, power stations, reservoirs, mains,
11 aqueducts, structures and lands.

Sect. 4. The said district is hereby authorized to lay in and
2 through the streets, roads, ways and highways thereof, of
3 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 in
5 the office of the county commissioners of Hancock county
6 and record in the registry of deeds in said county plans
7 of the location of all lands or interests therein or water
8 rights to be taken, with an appropriate description and the
9 names of the owners thereof, if known. When for any
10 reason the district fails to acquire the property authorized
11 to be taken, and which is described in such location, or if
12 the location recorded is defective or uncertain, it may at
13 any time correct and perfect such location and file a new
14 description thereof, and in such case the district is liable
15 in 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 all

22 said lands or interests therein or water rights so taken, but
23 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 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 proceed-
6 ings and right of appeal thereon shall be had under the same
7 restrictions, conditions and limitations as are or may be by
8 law prescribed in the case of damages by the laying out of
9 highways.

Sect. 8. In case of any crossing of a railroad, unless con-
2 sent is given by the company owning or operating such
3 railroad as to the place, manner and condition of the cross-
4 ing, within thirty days after such consent is requested by
5 said district, the railroad commissioners shall determine the
6 place, manner and condition of such crossing; and all work
7 within the limits of such railroad location shall be done un-
8 der the supervision and to the satisfaction of such railroad
9 company, 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 within thirty days after the approval of this
6 act by the legal voters of said Southwest Harbor Water

7 District. Such special election shall be called, advertised
8 and conducted according to the law relating to municipal
9 elections in said town of Southwest Harbor. The result of
10 such election shall be declared by the municipal officers and
11 due certificate thereof filed with the town clerk thereof.
12 The term of office of the trustees shall be the first Monday in
13 May in each year after the approval of this act. As soon as
14 convenient after members of said board have been chosen,
15 said trustees shall hold a meeting at the selectmen's office in
16 said town of Southwest Harbor, and organize by the election
17 of a president and clerk, adopt a corporate seal and when
18 necessary may choose a treasurer and all other needful offi-
19 cers and agents for the proper conduct and management of
20 the affairs of said district. They may also ordain and estab-
21 lish such by-laws as are necessary for their own convenience
22 and the proper management of the affairs of said district. At
23 said first meeting the trustees so elected shall determine by lot
24 the term of office of each trustee so that one trustee shall re-
25 tire each year and whenever the term of office of a trustee ex-
26 pires his successor shall be elected by a plurality vote by the
27 legal voters of the said water district, and for the purpose
28 of such election a meeting of said water district shall be
29 called and held on the first Monday of May of each year
30 the same to be called in the manner hereinbefore provided
31 for the first election of trustees. The trustees so elected
32 shall serve the full term of three years; and in case a va-
33 cancy arises in the membership of the board of trustees it

34 shall be filled in like manner for the unexpired term, by
35 special election to be called by the municipal officers of the
36 town of Southwest Harbor. All such trustees shall be
37 eligible to re-election but no person holding a municipal
38 office in said town of Southwest Harbor shall be eligible to
39 election as trustee. Said trustees may procure an office and
40 incur such expenses as may be necessary. Each member
41 shall receive in full compensation of his service the sum of
42 two dollars for each and every regular and special meeting
43 of said board at which he is in attendance. At the close of
44 each fiscal year the trustees shall make a detailed report of
45 their doings, of the receipts and expenditures of said water
46 district, of its financial and physical condition and of such
47 other matters and things pertaining to said district as shall
48 show the inhabitants of said district how said trustees are
49 fulfilling the duties and obligations of their trust, such re-
50 ports to be made and filed with the municipal officers of the
51 town of Southwest Harbor on or before the first day of
52 February of each year. The report of said trustees shall
53 be printed by the municipal officers of the town of South-
54 west 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.
11 Said water company is hereby authorized to sell and trans-
12 fer its franchises and properties to said water district. All
13 said franchises and properties shall be taken subject to all
14 bonds, mortgages, liens and encumbrances thereon, all of
15 which bonds, mortgages, liens and encumbrances shall be
16 assumed and paid by said water district.

Sect. 11. The Southwest Harbor Water Company may at
2 its option, on or before the second Monday in October after
3 the acceptance of this act by the said water district and the
4 election of trustees file with said trustees an offer in writing,
5 stating therein the price at which the company signing the
6 same will sell and transfer its entire plant, property, fran-
7 chises, rights and privileges, except its cash assets, subject
8 to all bonds, liens, mortgages and encumbrances to said
9 water district. Said offer shall provide that actual posses-
10 sion of the plant and property shall not be given until pay-
11 ment therefor, but that delivery of possession when made,
12 shall be as of the second Monday in October aforesaid, from
13 which day interest on said price shall run at the rate of five
14 per cent per annum and all net rents and profits accruing
15 thereafter shall belong to 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 last Monday in December after the acceptance of this
19 act by the said water district and the election of trustees.
20 The said water district shall in writing accept or reject all
21 said offers on or before the third Monday of November of
22 said year after the acceptance of this act by the said water
23 district, but it may accept either offer and reject the other,
24 but in that event it shall not be entitled to actual possession
25 nor be required to make payment in the case of acceptance
26 until after its acquisition by eminent domain, as hereinafter
27 provided, of the plant, property and franchise of the com-
28 pany whose offer is rejected. In all cases of acceptance
29 as aforesaid the water company shall forthwith cause proper
30 deeds of transfer and conveyance to be made and filed in
31 the clerk's office of the supreme judicial court for the county
32 of Hancock, for the inspection of said water district, and
33 to be approved by the court, or any justice thereof, in term
34 time or vacation. The said water district through its trus-
35 tees, shall file its petition, in each case where acceptance is
36 made as aforesaid, in the clerk's office of the supreme judi-
37 cial court for the county of Hancock, in term time or vaca-
38 tion, addressed to any justice of said court, alleging its
39 willingness to pay the agreed purchase price and interest
40 in each case, in court before the said last Monday in De-
41 cember, for the benefit of the water company interested
42 therein, and said court, through any justice thereof, in term
43 time or vacation, after notice to the water company inter-
44 ested therein and its mortgagees, and hearing thereon, shall

45 make all necessary decrees for the vesting of full title in
46 said water district to the entire plant, property and fran-
47 chises of the defendant water company in such petitions
48 subject to all bonds, liens, mortgages and encumbrances
49 thereon. After such final decree and before transfer of
50 the plant, property and franchises in accordance therewith,
51 and before payment thereof, the court sitting in said county
52 of Hancock, by a single justice thereof, as hereinbefore
53 provided shall upon motion of either party, after notice and
54 hearing take account of all receipts and expenditures prop-
55 erly had or incurred by the defendant water company, be-
56 longing to the period from and after second Monday of
57 October aforesaid, and all the net rents and profits accru-
58 ing thereafter and shall order the net balance due to either
59 party to be added to or deducted from the amount to be
60 paid under said final decree as the case may be. All find-
61 ings of law or fact by any single justice at the hearing afore-
62 said shall be final. After any such acceptance as aforesaid
63 the water company interested therein may compel said water
64 district, by appropriate process in equity, to perform its con-
65 tract of acceptance and to pay for the plant, property and
66 franchises in accordance therewith.

Sect. 12. Where the said trustees fail to agree with said
2 water company upon terms of purchase, as hereinbefore
3 provided, on or before the said third Monday in November,
4 then said water district, through its trustees, is hereby au-
5 thorized to take all the plant, properties and franchises of

6 such water company, subject, however, to all bonds, mort-
7 gages, liens and incumbrances thereon as provided in sec-
8 tion ten, so failing to agree, as for public uses, by a petition
9 therefor in the manner hereinafter provided, wherein such
10 water company and its mortgagees shall be the parties de-
11 fendant. And said water district through its trustees is
12 hereby authorized on or before the second Monday of De-
13 cember after the acceptance of this act by the water district
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 franchises
23 of said defendant water company, as described in section
24 ten. Said petition shall not be dismissed after filing, but
25 may and shall be amended in any manner required to enable
26 the court to make all necessary decrees thereon. At the
27 hearing aforesaid, such justice, upon motion of the peti-
28 tioner, may order the production and filing in court, for the
29 inspection of the petitioner, of all books, and papers pertinent
30 to the issues to be heard by said appraisers, the term and con-
31 ditions of so producing and filing such books and papers to be
32 determined by said justice in his order therefor and to be en-

33 forced from time to time as any justice of said supreme judi-
34 cial court, in term time or in vacation, upon motion of either
35 party, may deem reasonable and proper in the premises. At
36 such hearing, such justice, upon motion of the petitioner, may
37 fix a time at which the defendant water company shall file in
38 the clerk's office of the supreme judicial court for the county
39 of Hancock, for the inspection of the petitioner, the follow-
40 ing: First, schedule showing the names, residence, street num-
41 ber, if any, and water service of each customer on the second
42 Monday in October with rate charged therefor; second, copies
43 of all contracts in force on said second Monday in October
44 with all municipal corporations and water companies; third,
45 an itemized statement of the gross income earned during its
46 last complete fiscal year and all operating expenses and fixed
47 charges paid or incurred during such year and properly
48 chargeable thereto; fourth, a memorandum of all real estate,
49 or interest therein, owned or controlled on said second Mon-
50 day in October with such brief description thereof as will rea-
51 sonably identify the same; fifth, a memorandum of all water
52 rights used or owned on said second Monday in October with
53 a brief description thereof and a concise statement of the
54 method of acquiring the same; sixth, duplicate plans of all
55 dams owned in whole or part on said second Monday in
56 October with specifications thereof; seventh, descriptions
57 and specifications of all reservoirs and standpipes owned on
58 said second Monday in October; eighth, a description of
59 all pipes, service pipes, hydrants, gates, gate boxes, shut-

60 off boxes, valves, fixtures and machinery and all the physi-
61 cal elements in such water system, giving in detail all quan-
62 tities, sizes, lengths, specifying the streets, roads or ways
63 where situated; ninth, an itemized list of all tools, apparatus
64 and appliances, used or usable in supplying water on said
65 second Monday in October. Such orders may be enforced
66 from time to time by any justice of said supreme judicial
67 court, in term time or in vacation, upon motion of either
68 party as such justice may deem reasonable and proper in
69 the premises. At such hearing the justice then sitting may,
70 upon motion of the petitioner, make all such decrees as he
71 deems reasonable and proper to enable the petitioner, through
72 its servants and employees, to ascertain the condition of the
73 mains and pipes of the defendant water company, exter-
74 nally and internally, all work connected therewith to be
75 in the presence of the agents of the water company, and
76 at the election of the water company by its servants, other-
77 wise by the petitioner, but wholly at the expense of said
78 water district, said decree to fix the number of such exam-
79 inations and to impose such conditions as may to the court
80 seem just and proper in the premises. The said appraisers
81 shall have the power of compelling attendance of witnesses
82 and the production of books and papers pertinent to the
83 issue and may administer oaths; and any witness or per-
84 son in charge of such books or papers refusing to attend
85 or to produce the same shall be subject to the same penal-
86 ties and proceedings, so far as applicable, as witnesses sum-
87 moned to attend the supreme judicial court. Depositions

88 may be taken as in civil actions. The said appraisers may
89 appoint a sufficient number of stenographers to enable a
90 full report of the proceedings of each day to be in readiness
91 to be used the following day, each of said appraisers so to
92 have one copy thereof and the parties to receive such num-
93 ber of copies as the appraisers may deem necessary. The
94 compensation and expenses of said stenographers shall be
95 taxed and allowed by the appraisers and be paid and borne
96 as hereinafter provided. Their report certified by said ap-
97 praisers as correct shall be filed with the award, to be made
98 by said appraisers, and shall be legal evidence of all pro-
99 ceedings so reported. They shall make full report as re-
100 quired in trials had in the supreme judicial court. The
101 appraisers so appointed shall, after due notice and hear-
102 ing, fix the respective valuations of the plants, properties
103 and franchises of said defendant water company at what
104 they are fairly and equitably worth, so that said water
105 company shall receive just compensation for all the same.
106 The second Monday in October after the acceptance of
107 this act by the water district shall be the date as of which
108 the valuation aforesaid shall be fixed, from which date
109 interest on said award at the rate of five per cent per an-
110 num shall run, and all net rents and profits accruing there-
111 after shall belong to said water district. The report of
112 said appraisers or of a majority of them, shall be filed in
113 said clerk's office within six months after their appoint-
114 ment, but, if at the expiration of said six months the hear-
115 ing before said appraisers should then be in progress and

116 unfinished, their report may be so filed within thirty days
117 after close of said hearing. After said report is filed, such
118 single justice so appointing said appraisers, or in case of
119 his inability to act, then any justice designated for the
120 purpose, by the chief justice may, after notice and hear-
121 ing, confirm or reject the same or recommit, if justice so
122 requires, and in case of such rejection or recommitment such
123 justice may fix the times for new hearing and new report
124 thereon. The award of the appraisers shall be conclusive
125 as to valuation. Upon the confirmation of their report,
126 the court so sitting in term time or vacation, shall there-
127 upon after hearing make final decree upon the whole mat-
128 ter including transfer of the properties and franchises,
129 jurisdiction over which is hereby conferred with the same
130 power to enforce said decree as in equity cases. All the
131 costs and expenses arising under such petition and appraisal
132 shall be paid and borne as directed by the court in said
133 final decree. The finding of such justice as to such costs
134 and expenses and their apportionment shall be final. In
135 all other matters the justice so making such final decree
136 shall, upon request of any of the parties, make separate
137 findings of law and fact. All such findings of fact shall
138 be final, but any party aggrieved may take exception to
139 any rulings of law so made, the same to be accompanied
140 only by such parts of the case as are necessary to a clear
141 understanding of the questions raised thereby. Such ex-
142 ceptions shall be claimed on the docket within ten days

143 after such final decree is signed, entered and filed and
144 notice thereof has been given by the clerk to the parties
145 or their counsel, and said exception so claimed shall be
146 made up, allowed and filed within said time unless further
147 time is granted by the court or by agreement of the par-
148 ties. They shall be entered at the next term of the law
149 court to be held after the filing of such exceptions and
150 there heard unless otherwise agreed, or the law court shall
151 for good cause order a further time for the hearing there-
152 on. Upon such hearing the law court may confirm, re-
153 verse or modify the decree of the court below, or remand
154 the cause for further proceedings as it seems proper. Dur-
155 ing the pending of such exceptions the case shall remain
156 on the docket of the court below marked "Law"; and de-
157 cree shall be entered thereon by a single justice, in term
158 time or vacation, in accordance with the certificate and
159 opinion of the law court. Before the aforesaid plant, prop-
160 erty and franchises, or any of them are transferred in
161 accordance with such final decree, and before the payment
162 therefor, the court sitting in said county of Hancock, by
163 a single justice thereof, as hereinbefore provided, shall
164 upon motion of any party after notice and hearing take
165 account of all receipts and expenditures properly had and
166 incurred by the said water company belonging to the period
167 from and after the second Monday in October, after the
168 acceptance of this act by the said water district and all
169 net rents and profits accruing thereafter, and shall order

170 the net balance due to any party to be added to or deducted
171 from the amount to be paid under said final decree as the
172 case may be. All finding of law or fact by such single
173 justice at such hearings shall be final. On payment or
174 tender by said water district of the amount so fixed and
175 the performance of all of the terms and conditions so im-
176 posed by the court, the entire plant, properties and fran-
177 chises of said water company as described in section ten,
178 shall become vested in said water district subject to all
179 bonds, liens, mortgages and encumbrances thereon hereto-
180 fore created by said water company. After the filing of
181 said petition it shall not be discontinued or withdrawn by
182 said water district, and the said water company may there-
183 afterwards cause said valuation to be made as herein pro-
184 vided, and shall be entitled to appropriate process to com-
185 pel said water district to perform the terms of the final
186 decree and to pay for said plant, properties and franchises
187 in accordance therewith. If a vacancy occurs at any time
188 in said board of appraisers, from any cause any justice
189 of the supreme judicial court, sitting in said county of
190 Hancock, may, in term time or vacation, after notice and
191 hearing, appoint a new appraiser or appraisers and make
192 all such orders for hearing said cause by the appraisers
193 anew or for any extension of time for making their award,
194 or otherwise, 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-bearing

4 negotiable notes of the district, and for the purpose of re-
5 funding 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 supply,
14 taking water and land, paying damages, laying pipes, con-
15 structing, 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 provisions
24 of said section shall be applicable thereto. The said notes
25 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 uniform
5 within the territory supplied by the district. Said rates

6 shall be so established so as to provide for the following
7 purposes:

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

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

3. 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.

4. 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
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 third Monday in August, nineteen hundred and
8 fifteen. 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 Harbor Water District be accepted?"
13 and the voters shall indicate by the words "yes" or "no"
14 their opinion of the same. The result in said town of South-
15 west Harbor shall be declared by the selectmen and due
16 certificate thereof filed by the town clerk with the secretary
17 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 third Monday in August, nineteen hundred
6 and fifteen, 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
10 incorporate the Southwest Harbor Water District be ac-
11 cepted?" and the voters shall indicate by the words "Yes" or
12 "No" their opinion of the same. The result shall be de-
13 clared by the selectmen and due certificate filed by the town
14 clerk with the secretary of state.

In case this act is not approved by a majority vote of the
16 legal voters of said Southwest Harbor Water District at
17 its first meeting on the third Monday in August, nineteen
18 hundred and fifteen, it may be approved at any subsequent
19 meeting held on the third Monday in August, nineteen hun-

20 dred and sixteen, by a majority of voters in said water
21 district, said subsequent meeting to be called, advertised,
22 and conducted in the same manner as the meeting on the
23 third Monday in August, nineteen hundred and fifteen.

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
4 of 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.