

# MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

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HOUSE

NO. 883

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*In House of Representatives, March 20, 1915.*

*Reported by Mr. Conners from Committee on Judiciary and  
ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

---

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  
3 lots Nos. 99 and 101 on Salem Town's plan of Mount De-  
4 sert Island, said lots being in town of Southwest Harbor,  
5 shall constitute a public municipal corporation under the  
6 name of the Southwest Harbor Water District for the pur-  
7 pose of supplying the inhabitants of said municipality with  
8 pure 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 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 incorpora-  
2 tion 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 supplies, dams, power stations, reservoirs,  
11 mains, 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  
11 pavement 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 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 loca-  
12 tion recorded is defective or uncertain, it may at any time  
13 correct and perfect such location and file a new description  
14 thereof, and in such case the district is liable in damages  
15 only for property for which the owner had not previously  
16 been paid, to be assessed as of the time of the original tak-  
17 ing and the district shall not be liable for any acts which  
18 would have been justified if the original taking had been  
19 lawful. No entry shall be made on any private lands, ex-

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

Sec. 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 subsequent  
6 proceedings and right of appeal thereon shall be had under  
7 the same restrictions, conditions and limitations as are or  
8 may be by law prescribed in the case of damages by the  
9 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  
6 place, manner and condition of such crossing; and all work  
7 within the limits of such railroad location shall be done  
8 under the supervision and to the satisfaction of such rail-  
9 road 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  
10 of such election shall be declared by the municipal officers  
11 and due certificate thereof filed with the town clerk thereof.  
12 The term of office of the trustees shall be the first Monday  
13 in May in each year after the approval of this act. As soon  
14 as convenient after members of said board have been  
15 chosen, said trustees shall hold a meeting at the selectmen's  
16 office in said town of Southwest Harbor, and organize by  
17 the election of a president and clerk, adopt a corporate seal  
18 and when necessary may choose a treasurer and all other  
19 needful officers and agents for the proper conduct and man-  
20 agement of the affairs of said district. They may also or-  
21 dain and establish such by-laws as are necessary for their  
22 own convenience and the proper management of the affairs  
23 of said district. At said first meeting the trustees so elected  
24 shall determine by lot the term of office of each trustee so  
25 that one trustee shall retire each year and whenever the  
26 term of office of a trustee expires his successor shall be  
27 elected by a plurality vote by the legal voters of the said  
28 water district, and for the purpose of such election a meet-  
29 ing of said water district shall be called and held on the  
30 first Monday of May of each year the same to be called

31 in the manner hereinbefore provided for the first election of  
32 trustees. The trustees so elected shall serve the full term  
33 of three years; and in case a vacancy arises in the member-  
34 ship of the board of trustees it shall be filled in like manner  
35 for the unexpired term, by special election to be called by  
36 the municipal officers of the town of Southwest Harbor.  
37 All such trustees shall be eligible to re-election but no per-  
38 son holding a municipal office in said town of Southwest  
39 Harbor shall be eligible to election as trustee. Said trus-  
40 tees may procure an office and incur such expenses as may  
41 be necessary. Each member shall receive in full compensa-  
42 tion of his service the sum of two dollars for each and  
43 every regular and special meeting of said board at which he  
44 is in attendance. At the close of each fiscal year the trus-  
45 tees shall make a detailed report of their doings, of the  
46 receipts and expenditures of said water district, of its finan-  
47 cial and physical condition and of such other matters and  
48 things pertaining to said district as shall show the inhab-  
49 itants of said district how said trustees are fulfilling the  
50 duties and obligations of their trust, such reports to be made  
51 and filed with the municipal officers of the town of South-  
52 west Harbor on or before the first day of February of each  
53 year. The report of said trustees shall be printed by the  
54 municipal officers of the town of Southwest Harbor in their  
55 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  
2 at its option, on or before the second Monday in October  
3 after the acceptance of this act by the said water district and  
4 the election of trustees file with said trustees an offer in  
5 writing, stating therein the price at which the company  
6 signing the same will sell and transfer its entire plant,  
7 property, franchises, rights and privileges, except its cash  
8 assets, subject to all bonds, liens, mortgages and encum-  
9 brances to said water district. Said offer shall provide that  
10 actual possession of the plant and property shall not be  
11 given until payment therefor, but that delivery of possession  
12 when made, shall be as of the second Monday in October  
13 aforesaid, from which day interest on said price shall run



14 at the rate of five per cent per annum and all net rents and  
15 profits accruing 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 as  
29 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 will-  
39 ingness to pay the agreed purchase price and interest in each

40 case. in court before the said last Monday in December,  
41 for the benefit of the water company interested therein, and  
42 said court, through any justice thereof, in term time or va-  
43 cation, after notice to the water company interested therein  
44 and its mortgagees, and hearing thereon, shall make all  
45 necessary decrees for the vesting of full title in said water  
46 district to the entire plant, property and franchises of the  
47 defendant water company in such petitions subject to all  
48 bonds, liens, mortgages and encumbrances thereon. After  
49 such final decree and before transfer of the plant, property  
50 and franchises in accordance therewith, and before pay-  
51 ment thereof, the court sitting in said county of Hancock,  
52 by a single justice thereof, as hereinbefore provided shall  
53 upon motion of either party, after notice and hearing take  
54 account of all receipts and expenditures properly had or  
55 incurred by the defendant water company, belonging to the  
56 period from and after second Monday of October aforesaid,  
57 and all the net rents and profits accruing thereafter and shall  
58 order the net balance due to either party to be added to or  
59 deducted from the amount to be paid under said final decree  
60 as the case may be. All findings of law or fact by any sin-  
61 gle justice at the hearing aforesaid shall be final. After  
62 any such acceptance as aforesaid the water company inter-  
63 ested therein may compel said water district, by appropriate  
64 process in equity, to perform its contract of acceptance and

65 to pay for the plant, property and franchises in accordance  
66 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 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 peti-  
9 tion therefor in the manner hereinafter provided, wherein  
10 such water company and its mortgagees shall be the parties  
11 defendant. And said water district through its trustees  
12 is hereby authorized on or before the second Monday of  
13 December after the acceptance of this act by the water  
14 district to file a petition in the clerk's office of the su-  
15 preme judicial court for the county of Hancock, in term  
16 time or vacation, addressed to any justice thereof, who,  
17 after notice to said defendant water company and its mort-  
18 gagees, shall after hearing and within thirty days after the  
19 filing of said petition, appoint three disinterested appraisers,  
20 none of whom shall be residents of the county of Hancock,  
21 one of whom shall be learned in the law, for the purpose of  
22 fixing the valuations respectively of the plant, property  
23 and franchises of said defendant water company, as de-  
24 scribed in section ten. Said petition shall not be dismissed

25 after filing, but may and shall be amended in any manner  
26 required to enable the court to make all necessary decrees  
27 thereon. At the hearing aforesaid, such justice, upon mo-  
28 tion of the petitioner, may order the production and filing  
29 in court, for the inspection of the petitioner, of all books,  
30 and papers pertinent to the issues to be heard by said ap-  
31 praisers, the term and conditions of so producing and filing  
32 such books and papers to be determined by said justice in  
33 his order therefor and to be enforced from time to time as  
34 any justice of said supreme judicial court, in term time or in  
35 vacation, upon motion of either party, may deem reason-  
36 able and proper in the premises. At such hearing, such  
37 justice, upon motion of the petitioner, may fix a time at  
38 which the defendant water company shall file in the clerk's  
39 office of the supreme judicial court for the county of Han-  
40 cock, for the inspection of the petitioner, the following:  
41 First, schedule showing the names, residence, street num-  
42 ber, if any, and water service of each customer on the sec-  
43 ond Monday in October with rate charged therefor; sec-  
44 ond, copies of all contracts in force on said second Mon-  
45 day in October with all municipal corporations and water  
46 companies; third, an itemized statement of the gross income  
47 earned during his last complete fiscal year and all operating  
48 expenses and fixed charges paid or incurred during such year  
49 and properly chargeable thereto; fourth, a memorandum of  
50 all real estate, or interest therein, owned or controlled on said  
51 second Monday in October with such brief description there-

52 of as will reasonably identify the same; fifth, a memorandum  
53 of all water rights used or owned on said second Monday in  
54 October with a brief description thereof and a concise state-  
55 ment of the method of acquiring the same; sixth, duplicate  
56 plans of all dams owned in whole or part on said second Mon-  
57 day in October, with specifications thereof; seventh, descrip-  
58 tions and specifications of all reservoirs and standpipes owned  
59 on said second Monday in October; eighth, a description of  
60 all pipes, service pipes, hydrants, gates, gate boxes, shut-off  
61 boxes, valves, fixtures and machinery and all the physical ele-  
62 ments in such water system, giving in detail all quantities,  
63 sizes, length, specifying the streets, roads or ways where sit-  
64 uated; ninth, an itemized list of all tools, apparatus and ap-  
65 pliances used or usable in supplying water on said second  
66 Monday in October. Such orders may be enforced from time  
67 to time by any justice of said supreme judicial court, in term  
68 time or in vacation, upon motion of either party as such jus-  
69 tice may deem reasonable and proper in the premises. At  
70 such hearing the justice then sitting may, upon motion of the  
71 petitioner, make all such decrees as he deems reasonable and  
72 proper to enable the petitioner, through its servants and em-  
73 ployees, to ascertain the condition of the mains and pipes of  
74 the defendant water company, externally and internally, all  
75 work connected therewith to be in the presence of the agents  
76 of the water company, and at the election of the water com-  
77 pany by its servants, otherwise by the petitioner, but wholly  
78 at the expense of said water district, said decree to fix the

79 number of such examinations and to impose such conditions  
80 as may to the court seem just and proper in the premises. The  
81 said appraisers shall have the power of compelling attendance  
82 of witnesses and the production of books and papers perti-  
83 nent to the issue and may administer oaths; and any witness  
84 or person in charge of such books or papers refusing to at-  
85 tend or to produce the same shall be subject to the same pen-  
86 alties and proceedings, so far as applicable, as witnesses sum-  
87 moned to attend the supreme judicial court. Deposition may  
88 be taken as in civil actions. The said appraisers may appoint  
89 a sufficient number of stenographers to enable a full report of  
90 the proceedings of each day to be in readiness to be used the  
91 following day, each of said appraisers so to have one copy  
92 thereof and the parties to receive such number of copies as  
93 the appraisers may deem necessary. The compensation and  
94 expenses of said stenographer shall be taxed and allowed by  
95 the appraisers and be paid and borne as hereinafter pro-  
96 vided. Their report certified by said appraisers as correct  
97 shall be filed with the award, to be made by said appraisers,  
98 and shall be legal evidence of all proceedings so reported.  
99 They shall make full report as required in trials had in the  
100 supreme judicial court. The appraisers so appointed shall,  
101 after due notice and hearing, fix the respective valuations  
102 of the plants, properties and franchises of said defendant  
103 water company at what they are fairly and equitably worth,  
104 so that said water company shall receive just compensation  
105 for all the same. The second Monday in October after

106 the acceptance of this act by the water district shall be the  
107 date as of which the valuation aforesaid shall be fixed,  
108 from which date interest on said award at the rate of five  
109 per cent per annum shall run, and all net rents and profits  
110 accruing thereafter shall belong to said water district. The  
111 report of said appraisers or of a majority of them, shall  
112 be filed in said clerk's office within six months after their  
113 appointment, but, if at the expiration of said six months  
114 the hearing before said appraisers should then be in prog-  
115 ress and unfinished, their report may be so filed within thirty  
116 days after close of said hearing. After said report is filed,  
117 such single justice so appointing said appraisers, or in case  
118 of his inability to act, then any justice designated for the  
119 purpose, by the chief justice may, after notice and hearing,  
120 confirm or reject the same or recommit, if justice so re-  
121 quires, and in case of such rejection or recommitment such  
122 justice may fix the times for new hearing and new report  
123 thereon. The award of the appraisers shall be conclusive  
124 as to valuation. Upon the confirmation of their report,  
125 the court so sitting in term time or vacation, shall there-  
126 upon after hearing make final decree upon the whole mat-  
127 ter including transfer of the properties and franchises,  
128 jurisdiction over which is hereby conferred with the same  
129 power to enforce said decree as in equity cases. All the  
130 costs and expenses arising under such petition and ap-  
131 praisal shall be paid and borne as directed by the court in  
132 said final decree. The finding of such justice as to such

133 costs and expenses and their apportionment shall be final.  
134 In all other matters the justice so making such final decree  
135 shall, upon request of any of the parties, make separate  
136 findings of law and fact. All such findings of fact shall  
137 be final, but any party aggrieved may take exception to  
138 any rulings of law so made, the same to be accompanied  
139 only by such parts of the case as are necessary to a clear  
140 understanding of the questions raised thereby. Such ex-  
141 ceptions shall be claimed on the docket within ten days  
142 after such final decree is signed, entered and filed and no-  
143 tice thereof has been given by the clerk to the parties or  
144 their counsel, and said exception so claimed shall be made  
145 up, allowed and filed within said time unless further time is  
146 granted by the court or by agreement of the parties. They  
147 shall be entered at the next term of the law court to be held  
148 after the filing of such exceptions and there heard unless  
149 otherwise agreed, or the law court shall for good cause  
150 order a further time for the hearing thereon. Upon such  
151 hearing the law court may confirm, reverse or modify the  
152 decree of the court below, or remand the cause for fur-  
153 ther proceedings as it seems proper. During the pending  
154 of such exceptions the case shall remain on the docket of  
155 the court below marked "Law"; and decree shall be en-  
156 tered thereon by a single justice, in term time or vaca-  
157 tion, in accordance with the certificate and opinion of the  
158 law court. Before the aforesaid plant, property and fran-  
159 chises, or any of them are transferred in accordance with



160 such final decree, and before the payment therefor, the  
161 court sitting in said county of Hancock, by a single justice  
162 thereof, as hereinbefore provided, shall upon motion of  
163 any party after notice and hearing take account of all re-  
164 ceipts and expenditures properly had and incurred by the  
165 said water company belonging to the period from and after  
166 the second Monday in October, after the acceptance of this  
167 act by the said water district and all net rents and profits  
168 accruing thereafter, and shall order the net balance due  
169 to any party to be added to or deducted from the amount  
170 to be paid under said final decree as the case may be. All  
171 finding of law or fact by such single justice at such hear-  
172 ings shall be final. On payment or tender by said water  
173 district of the amount so fixed and the performance of all  
174 of the terms and conditions so imposed by the court, the  
175 entire plant, properties and franchises of said water com-  
176 pany as described in section ten, shall become vested in  
177 said water district subject to all bonds, liens, mortgages  
178 and encumbrances thereon heretofore created by said wa-  
179 ter company. After the filing of said petition it shall not  
180 be discontinued or withdrawn by said water district, and  
181 the said water company may thereafterwards cause said  
182 valuation to be made as herein provided, and shall be enti-  
183 tled to appropriate process to compel said water district  
184 to perform the terms of the final decree and to pay for  
185 said plant, properties and franchises in accordance there-  
186 with. If a vacancy occurs at any time in said board of ap-

187 praisers, from any cause, any justice of the supreme ju-  
188 dicial court, sitting in said county of Hancock, may, in  
189 term time or vacation, after notice and hearing, appoint a  
190 new appraiser or appraisers and make all such orders for  
191 hearing said cause by the appraisers anew or for any ex-  
192 tension of time for making their award, or otherwise, as  
193 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 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  
16 making renewals, extensions, additions and improvements  
17 to the same, the said water district, through its trustees, may  
18 from time to time issue bonds of the district to an amount  
19 necessary in the judgment of the trustees therefor. Said  
20 notes and bonds shall be legal obligations of said water dis-

21 trict, which is hereby declared to be a quasi municipal cor-  
22 poration within the meaning of section ninety-six, chapter  
23 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 shall  
6 be so established so as to provide for the following pur-  
7 poses:

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 one-  
13 half of one per cent nor more than five per cent of the entire  
14 indebtedness created or assumed by the district, which sum  
15 shall be turned into a sinking fund and there kept to provide  
16 for the extinguishment of such indebtedness. The money  
17 set aside for the sinking fund shall be devoted to the retire-  
18 ment of the obligations of the district or invested in such  
19 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 to  
4 said Southwest Harbor, unless accepted and approved by a  
5 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 third Monday in August, nineteen hundred and fifteen.  
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  
11 to the following questions: "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 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 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 in-  
10 corporate the Southwest Harbor Water District be accept-  
11 ed?" 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 le-  
16 gal voters of said Southwest Harbor Water District at its  
17 first meeting on the third Monday in August, nineteen hun-  
18 dred and fifteen, it may be approved at any subsequent meet-  
19 ing held on the third Monday in August, nineteen hundred  
20 and sixteen, by a majority of voters in said water district  
21 said subsequent meeting to be called, advertised, and con-  
22 ducted in the same manner as the meeting on the third Mon-  
23 day 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 wa-  
3 ter district shall first require 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.