

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

House Document

No. 49

H. P. 142

House of Representatives, Jan. 27, 1927.

Referred to Committee on Public Utilities and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Fuller of Southwest Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-SEVEN

AN ACT to Incorporate 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 such part as is now owned by the United States of America,
4 shall constitute a public municipal corporation under the
5 name of the Southwest Harbor Water District for the pur-
6 pose of supplying the inhabitants of said municipality with
7 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 Mount Desert and also from any

5 artesian wells, streams or ponds in said town of Southwest
6 Harbor, provided that no water except as herein provided,
7 shall be taken from any spring not in actual use for domestic
8 purposes, or ponds now used for similar purposes without
9 the consent of the owners.

Sect. 3. The said district for the purpose of its incorpo-
2 ration hereby is 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
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 the
10 district fails to acquire the property authorized to be taken,
11 and which is described in such location, or if the location
12 recorded is defected or uncertain, it may at any time correct
13 and perfect such location and file a new description thereof,
14 and in such case the district is liable in damages only for
15 property for which the owner had not previously been paid,
16 to be assessed as of the time of the original taking and the
17 district shall not be liable for any acts which would have
18 been justified if the original taking had been lawful. No
19 entry shall be made on any private lands, except to make
20 surveys, until the expiration of ten days from such filing,
21 whereon possession may be had of all said lands or interests
22 therein or water rights so taken, but title thereto shall not
23 vest in said district until payment therefor.

Sect. 7. If any person sustaining damages by any taking
2 as aforesaid, shall not agree with said district upon the
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
2 consent is given by the company owning and operating such
3 railroad as to place, manner and condition of the crossing,
4 within thirty days after such consent is requested by said
5 district, the Public Utilities Commission 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 majority 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 until the first
13 Monday in May in each year after the approval of this act.
14 As soon as convenient after members of said board have
15 been chosen, said trustees shall hold a meeting at the select-
16 men's office in said town of Southwest Harbor, and organize
17 by the election of a president and clerk, adopt a corporate
18 seal and when necessary may choose a treasurer and all
19 other needful officers and agents for the proper conduct and
20 management of the affairs of said district. They may also
21 ordain 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 majority 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 first
30 Monday of May of each year the same to be called in the
31 manner hereinbefore provided for the first election of trus-
32 tees. The trustees so elected shall serve the full term of
33 three years; and in case a vacancy arises in the membership
34 of the board of trustees it shall be filled in like manner for
35 the unexpired term, by a special election to be called by the
36 municipal officers of the town of Southwest Harbor. All

37 such trustees shall be eligible to re-election but no person
38 holding a municipal office in said town of Southwest Harbor
39 shall be eligible to election as trustee. Said trustees may
40 procure an office and incur such expenses as may be neces-
41 sary. Each member shall receive in full compensation of
42 this service an allowance of fifty dollars per annum or such
43 other sum as may be approved by the municipal officers of
44 the town of Southwest Harbor. At the close of each fiscal
45 year the trustees shall make a detailed report of their doings,
46 of the receipts and expenditures of said water district, of
47 its financial and physical condition and of such other mat-
48 ters and things pertaining to said district as shall show the
49 inhabitants of said district how said trustees are fulfilling
50 the duties and obligations of their trust, such reports to be
51 made and filed with the principal officers of said town of
52 Southwest Harbor on or before the first day of February
53 of each year. The report of said trustees shall be printed
54 by the municipal officers of the town of Southwest Harbor
55 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, 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 South-
10 west Harbor Water Company and used or usable in sup-
11 plying water in said Southwest Harbor. Said water com-
12 pany is hereby authorized to sell and transfer its franchises
13 and properties to said water district. All said franchises
14 and properties shall be taken subject to all bonds, mort-
15 gages, liens and encumbrances thereon, all of which bonds,
16 mortgages, liens and encumbrances shall be assumed and
17 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
4 and the election of trustees file with said trustees an offer
5 in 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 as aforesaid, from which day interest on said price shall
14 run at the rate of five per cent per annum and all net rents
15 and profits accruing thereafter shall belong to said water
16 district.

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

3 the last Monday in December after the acceptance of this
4 act by the said water district and the election of trustees.
5 The said water district shall in writing accept or reject all
6 said offers on or before the third Monday of November
7 of said year after the acceptance of this act by the said
8 water district, but it may accept either offer and reject the
9 other, but in that event it shall not be entitled to actual
10 possession nor be required to make payment in the case of
11 acceptance until after its acquisition by eminent domain, as
12 hereinafter provided, of the plant, property and franchise
13 of the company whose offer is rejected. In all cases of
14 acceptance as aforesaid the water company shall forth-
15 with cause proper deeds of transfer and conveyance to be
16 made and filed in the clerk's office of the Supreme Judicial
17 court for the county of Hancock, for the inspection of said
18 water district, and to be approved by the court, or any
19 justice thereof, in term time or vacation. The said water
20 district through its trustees shall file its petition, in each
21 case where acceptance is made as aforesaid, in the clerk's
22 office of the Supreme Judicial court for the county of
23 Hancock, in term time or vacation, addressed to any justice
24 of said court, alleging its willingness to pay the agreed
25 purchase price and interest in each case, in court before
26 the said last Monday in December, for the benefit of the
27 water company interested therein, and said court, through
28 any justice thereof, in term time or vacation, after notice
29 to the water company interested therein, and its mortgagees,

30 and hearing thereon, shall make all necessary decrees for
31 the vesting of full title in said water district to the entire
32 plant, property and franchises of the defendant water com-
33 pany in such petitions subject to all bonds, liens, mortgages
34 and encumbrances thereon. After such final decree and
35 before transfer of the plant, property and franchises in
36 accordance therewith, and before payment therefor, the
37 court sitting in said county of Hancock, by a single justice
38 thereof, as hereinbefore provided shall upon motion of
39 either party, after notice and hearing take account of all
40 receipts and expenditures properly had or incurred by the
41 defendant water company, belonging to the period from
42 and after the second Monday of October aforesaid, and
43 all the net rents and profits accruing thereafter and shall
44 order the net balance due to either party to be added to or
45 deducted from the amount to be paid under said final decree
46 as the case may be. All findings of law or fact by any
47 single justice at the hearing aforesaid shall be final. After
48 any such acceptance as aforesaid the water company inter-
49 ested therein may compel said water district, by appropriate
50 process in equity, to perform its contract of acceptance and
51 to pay for the plant, property and franchises in accordance
52 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 section
8 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
13 December after the acceptance of this act by the water
14 district to file a petition in the clerk's office of the Supreme
15 Judicial court for the county of Hancock, in term time or
16 vacation, addressed to any justice thereof, who, after notice
17 to said defendant water company and its mortgagees, shall
18 after hearing and within thirty days after the filing of said
19 petition, appoint three disinterested appraisers, none of
20 whom shall be residents of the county of Hancock, one of
21 whom shall be learned in the law, for the purpose of fixing
22 the 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
34 justice of said Supreme Judicial court, in term time or in
35 vacation, upon motion of either party, may deem reasonable
36 and proper in the premises. At such hearing, such justice,
37 upon motion of the petitioner, may fix a time at which the
38 defendant water company shall file in the clerk's office of
39 the Supreme Judicial court of the county of Hancock, for
40 the inspection of the petitioner, the following: First, sched-
41 ule showing the names, residence, street number, if any,
42 and water service of each customer on the second Monday
43 in October with rate charged therefor; second, copies of all
44 contracts in force on said second Monday in October with
45 all municipal corporations and water companies; third, an
46 itemized statement of the gross income earned during its
47 last complete fiscal year and all operating expenses and
48 fixed charges paid or incurred during such year and properly
49 chargeable thereto; fourth, a memorandum of all real
50 estate, or interest therein, owned or controlled on said
51 second Monday in October with such brief description
52 thereof as will reasonably identify the same; fifth, a memo-
53 randum of all water rights used or owned on said second
54 Monday in October with a brief description thereof and a
55 concise statement of the method of acquiring the same;
56 sixth, duplicate plans of all dams owned in whole or part
57 on said second Monday in October, with specifications
58 thereof; seventh, descriptions and specifications of all

59 reservoirs and standpipes owned on said second Monday in
60 October; eighth, a description of all pipes, service pipes,
61 hydrants, gates, gate boxes, shut-off boxes, valves, fixtures
62 and machinery and all the physical elements in such water
63 system, giving in detail all quantities, sizes, length, specify-
64 ing the streets, roads or ways where situated; ninth, an
65 itemized list of all tools, apparatus and appliances used or
66 usable in supplying water on said second Monday in Octo-
67 ber. Such orders may be enforced, from time to time, by
68 any justice of said Supreme Judicial court, in term time or
69 in vacation, upon motion of either party as such justice may
70 deem reasonable and proper in the premises. At such
71 hearing the justice then sitting may, upon motion of the
72 petitioner, make all such decrees as he deems reasonable
73 and proper to enable the petitioner, through its servants and
74 employees, to ascertain the condition of the mains and pipes
75 of the defendant water company, externally and internally,
76 all work connected therewith to be in the presence of the
77 agents of the water company, and at the election of the
78 water company by its servants, otherwise by the petitioner,
79 but wholly at the expense of said water district, said decree
80 to fix the number of such examinations and to impose
81 such conditions as may to the court seem just and proper
82 in the premises. The said appraisers shall have the power
83 of compelling attendance of witnesses and the production
84 of books and papers pertinent to the issue and may adminis-
85 ter oaths; and any witness or person in charge of such

86 books or papers refusing to attend or to produce the same
87 shall be subject to the same penalties and proceedings, so
88 far as applicable, as witnesses summoned to attend the
89 Supreme Judicial court. Deposition may be taken as in
90 civil actions. The said appraisers may appoint a sufficient
91 number of stenographers to enable a full report of the pro-
92 ceedings of each day to be in readiness to be used the fol-
93 lowing day, each of said appraisers so to have one copy
94 thereof and the parties to receive such number of copies as
95 the appraisers may deem necessary. The compensation and
96 expenses of said stenographers shall be taxed and allowed
97 by the appraisers and be paid and borne as hereinafter
98 provided. Their report certified by said appraisers as cor-
99 rect shall be filed with the award, to be made by said
100 appraisers, and shall be legal evidence of all proceedings
101 so reported. They shall make full report as required in
102 trials had in the Supreme Judicial court. The appraisers
103 so appointed shall, after due notice and hearing, fix the
104 respective valuations of the plants, properties and fran-
105 chises of said defendant water company at what they are
106 fairly and equitably worth, so that said water company
107 shall receive just compensation for all the same. The
108 second Monday in October after the acceptance of this
109 act by the water district shall be the date as of which the
110 valuation aforesaid shall be fixed, from which date interest
111 on said award at the rate of five per cent per annum shall
112 run, and all net rents and profits accruing thereafter shall

113 belong to said water district. The report of said appraisers
114 or of a majority of them shall be filed in said clerk's office
115 within six months after their appointment, but, if at the
116 expiration of said six months the hearing before said ap-
117 praisers should then be in progress and unfinished, their
118 report may be so filed within thirty days after the close of
119 said hearing. After said report is filed, such single justice
120 so appointing said appraisers, or in case of his inability to
121 act, then any justice designated for the purpose, by the
122 Chief Justice may, after notice and hearing, confirm or
123 reject the same or recommit, if justice so requires, and in
124 case of such rejection or recommittal such justice may fix
125 the times for the new hearing and new report thereon.
126 The award of the appraisers shall be conclusive as to
127 valuation. Upon the confirmation of their report, the court
128 so sitting in term time or vacation, shall thereupon after
129 hearing make final decree upon the whole matter including
130 transfer of the properties and franchises, jurisdiction over
131 which is hereby conferred with the same power to enforce
132 said decree as in equity cases. All the costs and expenses
133 arising under such petition and appraisal shall be paid and
134 borne as directed by the court in said final decree. The
135 finding of such justice as to such costs and expenses and
136 their appointment shall be final. In all other matters the
137 justice so making such final decree shall, upon request of
138 any of the parties, make separate findings of law and fact.
139 All such findings of fact shall be final, but any party ag-

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

167 erly had and incurred by the said water company belong-
168 ing to the period from and after the second Monday in
169 October, after the acceptance of this act by the said water
170 district and all net rents and profits accruing thereafter,
171 and shall order the net balance due to any party to be
172 added to or deducted from the amount to be paid under
173 said final decree as the case may be. All finding of law or
174 fact by such single justice at such hearings shall be final.
175 On payment or tender by said water district of the amount
176 so fixed and the performance of all of the terms and con-
177 ditions so imposed by the court, the entire plant, properties
178 and franchises of said water company as described in
179 section ten, shall become vested in said water district sub-
180 ject to all bonds, liens, mortgages and encumbrances thereon
181 heretofore created by said water company. After the filing
182 of said petition it shall not be discontinued or withdrawn
183 by said water district, and the said water company may
184 thereafter cause said valuation to be made as herein pro-
185 vided, and shall be entitled to appropriate process to com-
186 pel said water district to perform the terms of the final
187 decree and to pay for said plant, properties and franchises
188 in accordance therewith. If a vacancy occurs at any time
189 in said board of appraisers, from any cause, any justice of
190 the Supreme Judicial court, sitting in said county of Han-
191 cock, may, in term time or vacation, after notice and hear-
192 ing, appoint a new appraiser or appraisers and make all
193 such orders for hearing said cause by the appraisers anew

194 or for any extension of time for making their award, or
195 otherwise, as the circumstance 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
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 franchise 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,
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 one hundred
23 and five of chapter fifty-one of the revised statutes, and all
24 the provisions of said section shall be applicable thereto.

25 The said notes and bonds shall be legal investments for
26 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, and subject to
6 the approval of the Public Utilities Commission. Said rates
7 shall be so established so as to provide for the following
8 purposes:

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

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

3. To provide each year a sum equal to not less than one-
2 half of one per cent nor more than five per cent of the entire
3 indebtedness created or assumed by the district, which sum
4 shall be turned into a sinking fund and there kept to provide
5 for the extinguishment of such indebtedness. The money
6 set aside for the sinking fund shall be devoted to the retire-
7 ment of the obligations of the district or invested in such
8 securities as savings banks are allowed to hold.

4. If any surplus remains at the end of the year, it may
2 be turned into the sinking fund.

Sect. 15. All valid contracts now existing between the
2 Southwest Harbor Water Company and the town of South-
3 west Harbor shall be assumed and carried out by the South-

4 west Harbor Water District. The property of said water
5 district shall be exempt from all taxation in the town of
6 Southwest Harbor unless a vote is passed by said town of
7 Southwest Harbor to the contrary.

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 thereof, shall not take effect as
4 to said Southwest Harbor, unless accepted and approved by
5 a majority vote of the legal voters of said town voting at
6 an election to be specially called and held for the purpose
7 on the third Monday in August, nineteen hundred and
8 twenty-seven. Such special election shall be called, adver-
9 tised and conducted according to the law relating to mu-
10 nicipal elections. The town clerk shall reduce the subject
11 matter of this act to the following question: "Shall the act
12 to incorporate the Southwest Harbor Water District be
13 accepted?" and the voters shall indicate by the words "yes"
14 or "no" their opinion of the same. The result in said town
15 of Southwest Harbor shall be declared by the selectmen and
16 due certificate thereof filed by the town clerk with the
17 Secretary of State.

Sect. 17. This act subject to the provision of section
2 sixteen shall take effect when approved by a majority vote
3 of 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 twenty-seven, 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
10 the 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.

In case this act is not approved by a majority vote of the
2 legal voters of said Southwest Harbor Water District at its
3 first meeting on the third Monday in August, nineteen hun-
4 dred and twenty-seven, it may be approved at any subse-
5 quent meeting held on the third Monday in August, nineteen
6 hundred and twenty-eight, by a majority of voters in said
7 water district said subsequent meeting to be called, adver-
8 tised, and conducted in the same manner as the meeting on
9 the third Monday in August, nineteen hundred and twenty-
10 seven.

Sect. 18. 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. 19. If said water district shall fail to acquire by
2 purchase or by the exercise of the right of eminent domain
3 as in this act provided, the plant, properties, franchise, rights
4 and privileges owned by the Southwest Harbor Water Com-
5 pany and used or usable in supplying water in the town of

6 Southwest Harbor, then this act shall become null and void.

Sect. 20. 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.

Sect. 21. Nothing herein contained is intended to repeal,
2 or shall be construed as repealing, the whole or any part
3 of any existing statute, and all the rights and duties herein
4 mentioned shall be exercised and performed in accordance
5 with all the applicable provisions of chapter fifty-five of the
6 revised statutes, and all acts amendatory thereof or addi-
7 tional thereto.