

MAINE STATE LEGISLATURE

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



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

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 25

S. P. 42

In Senate, January 24, 1929.

Taken from the table on motion by Senator Boulter of York and on further motion by same Senator referred to Committee on Public Utilities and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Boulter of York.

STATE OF MAINE

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

AN ACT to Create York Water District.

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

Section 1. *Territorial limits; corporate name; purposes.*
2 Subject to the provisions of section seventeen hereof, the
3 following described territory and the people within the same,
4 viz: so much of the town of York in the county of York
5 embraced within the following described territorial limits:
6 *Beginning* at the center of the channel of York River where
7 it flows into the Atlantic ocean; thence northwesterly by

8 said river, following the center of the channel thereof, to
9 a point in said river 500 feet above the northwesterly side
10 of Rice's bridge; thence on a line running in a northeasterly
11 direction parallel to and holding a distance of 500 feet from
12 the northwesterly side of the state highway designated as
13 *Maine U. S. Route 1*, formerly known as the Post road,
14 to a point formed by the intersection of said line with the
15 westerly projection of another line drawn 500 feet north
16 of and parallel to the northerly side of the Passaconaway
17 road, which enters said state highway near Hutchins' store
18 in Cape Neddick village; thence from said point of inter-
19 section easterly by and along said line parallel to and 500
20 feet north of the northerly side of said Passaconaway road
21 and the Weare road, so-called, to the center of the highway
22 leading from York Beach to York Cliffs, known as the
23 Shore road; thence southwesterly by the center of said
24 Shore road and the bridge across Cape Neddick river, to
25 the center of the channel of said Cape Neddick river; thence
26 easterly by the channel of said river to the Atlantic ocean;
27 thence by the ocean in a general southwesterly direction
28 to the point of beginning at the mouth of said York river;
29 shall constitute a public municipal corporation under the
30 name of York Water District for the purpose of supplying
31 said town of York and the inhabitants of said town and the
32 village corporations therein located, with pure water for do-
33 mestic, manufacturing, sanitary and municipal purposes, and
34 the supply of shipping.

Sect. 2. *Source of supply.* The said district for effecting
2 and carrying out the purposes of its incorporation, is here-
3 by authorized to take, hold, divert, use and distribute water
4 from Chase's Pond in said town of York, and all other
5 ponds and streams tributary thereto or running therefrom.

Sect. 3. *Right of eminent domain conferred.* The said
2 district for the purposes of its incorporation is hereby au-
3 thorized to take and hold as for public uses, by purchase
4 or otherwise, any lands or interests therein, or water rights
5 necessary for erecting and maintaining dams, for flowage,
6 for power, for pumping its water supply through its mains,
7 for reservoirs, for preserving the purity of the water and
8 water shed, for laying and maintaining aqueducts and other
9 structures, for taking, distributing, discharging and dispos-
10 ing of water and for rights of way or roadways to its
11 sources of supply, dams, power stations, reservoirs, mains,
12 aqueducts, structures and lands.

Sect. 4. *Authorized to lay pipes over public ways.* The
2 said district is thereby authorized to lay in and through the
3 streets, roads, ways, highways and bridges in said town of
4 York, and across private lands therein, and to maintain,
5 repair and replace all such pipes, aqueducts and fixtures
6 as may be necessary and convenient for its corporate pur-
7 poses, and whenever said district shall lay any pipes or
8 aqueducts in any street, road, way or highway, it shall
9 cause the same to be done with as little obstruction as prac-
10 ticable to the public travel, and shall at its own expense,

11 without unnecessary delay, cause the earth and pavement
12 removed by it to be replaced in proper condition.

Sect. 5. *Authorized to erect dams and reservoirs; to cross
2 navigable waters; to supply water to utilities.* Said water
3 district is hereby authorized for the purposes of its incor-
4 poration to erect and maintain all dams, reservoirs and
5 structures necessary and convenient for its corporate pur-
6 poses. Said water district is also hereby authorized to lay,
7 construct and maintain its pipes and fixtures in, over and
8 under navigable waters and to build and maintain structures
9 therefor, subject to the laws of the United States; also to
10 supply water to any public utility now supplying water in
11 the county of York, subject to the consent of the public util-
12 ities commission.

Sect. 6. *Procedure in exercising right of eminent domain.*
2 In exercising the right of eminent domain conferred upon
3 it by law from time to time, or any rights of eminent do-
4 main through or under the franchise of any water com-
5 pany by it acquired, the said district shall file in the office
6 of the county commissioners of York county and record in
7 the registry of deeds in said county plans of the location of
8 all lands or interests therein, or water rights to be taken,
9 with an appropriate description and names of the owners
10 thereof, if known. If for any reason the district fails to
11 acquire the property authorized to be taken and which is
12 described in such location, or the location recorded is de-
13 fective or uncertain, it may at any time correct and perfect

14 such taking and file a new description thereof, and in such
15 case the district is liable in damages only for the property
16 for which the owner had not previously been paid, to be
17 assessed as of the time of the original taking; and the dis-
18 trict shall not be liable for any acts which would have been
19 justified if the original taking had been lawful. No entry
20 shall be made on any private lands except to make surveys
21 until the expiration of ten days from said filing, whereupon
22 possession may be had of all such lands or interests therein
23 or water rights so taken, but title thereto shall not vest in
24 said district until the payment therefor.

Sect. 7. *Adjustment of damages; procedure as in laying*
2 *out a highway.* If any person sustaining damages by any
3 taking as aforesaid shall not agree with the district upon
4 the sum to be paid therefor, either party upon petition to
5 the county commissioners of York county may have such
6 damages assessed by them. The procedure and all subse-
7 quent proceedings and right of appeal therefrom shall be
8 had under the same restrictions, conditions and limitations
9 as are or may be by law prescribed in the case of damages
10 by the laying out of highways.

Sect. 8. *Procedure in crossing of railroads.* In case of
2 any crossing of railroads, unless consent is given by the
3 company owning or operating such railroad, as to place,
4 manner and conditions of the crossing, within thirty days
5 after such consent is requested by such district, the public
6 utilities commission shall, upon petition setting forth a de-

7 scription of said premises and the reasons for said crossing
8 after notice given as said commission may prescribe, deter-
9 mine the place, manner and conditions of such crossing, and
10 all work within the limits of such railroad location shall be
11 done under the supervision of the railroad company and to
12 the satisfaction of said company, but at the expense of said
13 water district, unless otherwise ordered by said public utili-
14 ties commission.

Sect. 9. *Election of trustees; term of office; by-laws; com-
2 pensation; annual reports.* All the affairs of said district
3 shall be managed by a board of trustees composed of five
4 members who shall be residents in the district and elected
5 as hereinafter provided. The trustees to be so elected shall
6 be chosen by a plurality vote of the legal voters within said
7 district, voting at an election to be specially called and held
8 for the acceptance of this act and the election of trustees
9 on the first Monday of August, nineteen hundred and twen-
10 ty-nine. Such special election shall be called, advertised
11 and conducted according to the law relating to municipal
12 elections in said town, except as otherwise provided herein.
13 Provided, however, that the municipal officers in said town
14 of York shall not be required to prepare for posting, or
15 the town clerk thereof to post, a new list of voters, but for
16 the purpose of registration of voters said municipal officers
17 shall be in session for three secular days next preceding
18 such election, the first two days thereof to be devoted to
19 registration of voters, and the last day to enable said mu-

20 nicipal officers to verify the corrections of said lists, and
21 to complete and close up their records of said session. All
22 nominations of candidates so to be voted for shall be made
23 by nomination papers signed in the aggregate for each can-
24 didate by not less than twenty-five qualified voters within
25 said water district. Each voter signing the nomination pa-
26 per shall make his signature in person and add to it his
27 place of residence, and each voter may subscribe to as
28 many nominations as there are trustees to be elected and
29 no more. Such nomination papers shall, before being filed,
30 be submitted to the town clerk of the town of York, who
31 shall forthwith certify thereon what number of the signa-
32 tures are names of qualified voters in said district; one of
33 the signers to each such separate paper shall swear to the
34 truth thereof and the certificate of such oath shall be an-
35 nexed to or made upon the nomination papers. Such nom-
36 ination papers shall be filed with said town clerk at least
37 seven days, exclusive of Sundays, previous to the day of
38 such election. With such nomination papers shall also be
39 filed the consent in writing of the person or persons nom-
40 inated. All nomination papers being filed and being in ap-
41 parent conformity with the foregoing provisions, shall be
42 deemed to be valid, and if not in apparent conformity they
43 may be seasonably amended under oath. In case any can-
44 didate who has been duly nominated under the provisions
45 hereof shall die before the day of election, or shall with-
46 draw in writing, the vacancy may be supplied in the manner

47 herein provided for such nominations. The name so sup-
48 plied for the vacancy shall, if the ballots have not been
49 printed, be placed on the ballots instead of the original nom-
50 ination; or, if the ballots have been printed, new ballots
51 containing the new nomination shall, if practicable, be fur-
52 nished, or slips containing the new nomination shall be
53 printed under the direction of the town clerk, which may
54 be pasted in proper place upon the ballots, and thereafter
55 shall become part and parcel of said ballots as if originally
56 printed thereon.

The ballot shall be substantially as follows: It shall contain
2 the names of all candidates so nominated printed in one col-
3 umn under the heading, "For Trustees of York Water Dis-
4 trict." Above such heading shall be printed "Vote for five,
5 or such number as may be appropriate, trustees. Make a
6 cross to the right of each name voted for." As many blank
7 spaces shall be left after the name of the candidates as
8 there are trustees to be elected, in which the voter may by
9 writing insert the name or names of any person or persons
10 for whom he desires to vote. In preparing his ballot the
11 voter shall mark a cross (X) against and to the right of
12 such names on such ballot as he desires to vote for, not to
13 exceed the number of trustees so to be elected. If the voter
14 shall desire to vote for any person or persons whose name
15 or names are not on the printed ballot, he may fill in such
16 name or names in the blank spaces left therefor by writing
17 the name therein. Where the voter so adds by writing in

18 such new name or names, his vote for such new name or
19 names shall be counted therefor although he may fail to
20 mark a cross against the same. The result of such election
21 shall be declared by said municipal officers, and due certifi-
22 cate thereof filed with the town clerk. The term of office
23 of the trustees chosen at said election shall begin on said
24 first Monday of August.

As soon as convenient after the members of said board
2 have been so chosen, said trustees shall hold a meeting at
3 the selectmen's office in said town of York, to be called by
4 one of said trustees upon such reasonable notice therefor
5 as he deems proper. They shall organize by the election
6 of a president and clerk, adopt a corporate seal, and, when
7 necessary, may choose a treasurer and all other needful
8 officers and agents for the proper conduct and management
9 of the affairs of said district. They may also ordain and
10 establish such by-laws as are necessary for their own con-
11 venience and the proper management of the affairs of the
12 district. At said first meeting the trustees so elected shall
13 determine by lot the term of office of each trustee, so that
14 one trustee shall retire on the first Monday of May in the
15 year nineteen hundred and thirty, on the election of his
16 successor; and one trustee shall retire on the first Monday
17 of May in each year thereafter in like manner, and when-
18 ever the term of office of a trustee expires, his successor
19 shall be elected by a plurality vote by the inhabitants of said
20 district, and upon nomination made as herein provided for

21 the election of trustees; and for the purpose of such elec-
22 tion a special election shall be called and held on the first
23 Monday of May in each year, the same to be called in the
24 manner hereinbefore provided for the first election of trus-
25 tees. The trustees so elected shall serve the full term of
26 five years; and in case any vacancy arises in the membership
27 of the board of trustees, it shall be filled in like manner for
28 the unexpired term by special election to be called by the
29 municipal officers for the town of York. When any trustee
30 ceases to be a resident of the district, he shall vacate such
31 office of trustee and the vacancy shall be filled as aforesaid.
32 All trustees shall be eligible to re-election, but no person
33 holding the office of selectman or road commissioner in the
34 town of York shall be eligible to nomination or election as
35 trustee. Said trustees may procure an office and incur such
36 expenses as may be necessary. Each member shall receive
37 in full compensation for his services in whatever capacity
38 an allowance of fifty dollars per annum and no more. At
39 the close of each fiscal year the trustees shall make a de-
40 tailed report of their doings, of the receipts and expendi-
41 tures of said water district, of its financial and physical con-
42 dition and of such other matters and things pertaining to
43 said district as shall show the inhabitants thereof how said
44 trustees are fulfilling the duties and obligations of their trust
45 —such report to be made and filed with said municipal
46 officers.

Sect. 10. *Authority to purchase; right of eminent domain.*

2 *to take property of York Shore Water Company.* The
3 York Water District is hereby authorized and empowered
4 to acquire by purchase or by the exercise of the right of
5 eminent domain, which right is hereby expressly delegated
6 to said district for said purpose, the entire plant, property,
7 franchises, rights and privileges of the York Shore Water
8 Company, except its cash assets and accounts receivable,
9 including all stocks in other companies, lands, waters, water
10 rights, dams, structures, reservoirs, pipes, machinery, fix-
11 tures, hydrants, tools, and all apparatus and appliances
12 owned by said company, whether their aggregate value ex-
13 ceeds or not the value limit named in the charter of said
14 York Shore Water Company, and whether the record title
15 thereto is or is not in said York Shore Water Company.
16 And including all interest of said York Shore Water Com-
17 pany in its sinking funds now in the hands of the treasurer
18 of said company or elsewhere, which sinking funds when
19 so acquired shall continue to be held and managed solely for
20 the purposes under which they are now held, and the taking
21 thereof hereunder shall in no way affect or abridge the
22 equitable rights of the holders of said water company bonds
23 in and under the trust now attaching to said sinking funds.
24 Said York Shore Water Company is hereby authorized to
25 sell, transfer and convey its franchises and property to said
26 water district. All said franchises and properties shall be
27 taken subject to all bonds, mortgages, liens and encum-
28 brances thereon, all of which bonds, mortgages, liens and

29 encumbrances shall be assumed and paid by said York
30 Water District.

Sect. 11. *Income from sinking funds; application and*
2 *management thereof.* After said sinking funds shall be
3 acquired hereunder the subsequent accruing income thereon
4 from year to year may be treated and regarded as a part
5 of the sinking funds required to be annually set aside by
6 said district under the provisions hereof, and the obliga-
7 tions of said York Shore Water Company to contribute
8 to said sinking funds shall be assumed by said York Water
9 District, and said York Water District and its trustees shall
10 succeed to all the rights, powers and privileges which said
11 York Shore Water Company and the directors of said com-
12 pany or either of them may have had in the control and
13 management of said sinking funds, including the power to
14 appoint a trustee or trustees thereof.

Sect. 12. *Method of acquiring the properties of York*
2 *Shore Water Company.* In case said trustees fail to agree
3 with said York Shore Water Company upon the terms of
4 purchase of the above mentioned property on or before
5 the first day of September, nineteen hundred and twenty-
6 nine, said district through its board of trustees aforesaid,
7 is hereby authorized to take all of said plant, property and
8 franchises, subject, however, to all mortgages, liens and
9 encumbrances thereon as stated in section ten, as and for
10 public uses, by a petition therefor in the manner hereinafter
11 provided, wherein said water company and its mortgagees

12 shall be parties defendant; and said water district through
13 its trustees is hereby authorized at any time after said first
14 day of September, nineteen hundred and twenty-nine, and
15 before the first day of May, nineteen hundred and thirty,
16 to file a petition in the clerk's office of the supreme judicial
17 court for the county of York, in term time or vacation,
18 addressed to any justice of said court, who, after due notice
19 to said York Shore Water Company and its mortgagees,
20 shall after hearing and within thirty days after the filing
21 of said petition, appoint three disinterested appraisers, none
22 of whom shall be residents in the county of York, one of
23 whom shall be learned in the law, for the purpose of fixing
24 the valuation of the plant, property and franchises of said
25 water company.

Said petition shall not be dismissed after filing except by
2 consent of both parties but may and shall be amended in
3 any manner required to enable the court to make all neces-
4 sary decrees thereon. At the hearing aforesaid, or at any
5 time during the proceedings, such justice, upon motion of
6 the petitioner, may order, if the same are not voluntarily
7 produced, under proper terms, the production in court for
8 the inspection of the petitioner all the books and papers
9 pertinent to the issues to be heard by said appraisers, the
10 terms and conditions of so producing or filing said books
11 and papers to be determined by the justice in his order there-
12 for, and to be enforced from time to time as any justice
13 of the supreme judicial court, in term time or vacation.

14 upon motion of either party, may deem reasonable and
15 proper in the premises. At such hearing such justice upon
16 motion of the petitioner may fix a time at which said water
17 company shall file in the clerk's office of the supreme ju-
18 dicial court for the county of York for the inspection of
19 the petitioner, so far as they relate to the service in the
20 town of York, the following: *First*: Schedule showing
21 names, residences and water service of all customers on
22 the first day of October in the year nineteen hundred and
23 twenty-nine, with the rates charged therefor; *second*: copies
24 of all contracts in force on said first day of October, nine-
25 teen hundred and twenty-nine; *third*: an itemized statement
26 of the gross income earned during its last complete fiscal
27 year up to said first day of October, nineteen hundred and
28 twenty-nine, and all operating expenses and fixed charges
29 paid or accrued during said period, and properly chargeable
30 thereto; *fourth*: a memoranda of all real estate, water rights
31 or interests therein owned or controlled on said first day of
32 October, nineteen hundred and twenty-nine, with such brief
33 description thereof as will reasonably identify the same;
34 *fifth*: brief description, specifications and plans of all reser-
35 voirs, mains, pipes, service pipes, hydrants, gates, gate
36 shut-offs, fixtures and machinery, and all rights of way for
37 maintenance of pipe lines, and all other physical elements
38 in such water system, giving in detail quantities, size,
39 lengths, dates of installation when known, and specifying
40 the streets, rights of way and where situated; *sixth*: an

41 itemized list of all tools, apparatus, appliances and supplies
42 used or usable in supplying water on said first day of Octo-
43 ber. Any expenses incurred by the York Shore Water
44 Company in preparing copies of any papers or other data
45 filed by it in compliance with such order of court shall be
46 borne by the water district. Such orders may be enforced
47 from time to time by any justice of said supreme judicial
48 court, in term time or vacation, upon motion of either party,
49 as such justice may deem reasonable and proper in the
50 premises. The sitting justice may upon motion of the peti-
51 tioner make all such decrees as he deems reasonable and
52 proper to enable the petitioner through its servants and
53 employees to ascertain by examination or tests the true con-
54 dition of the mains and pipes of said water company, ex-
55 ternally or internally, in the presence of the officers or
56 agents of said water company, the entire expense of such
57 examination or tests to be borne by said water district. The
58 said appraisers shall have the power to compel the attend-
59 ance of witnesses and the production of all books, accounts
60 and papers pertinent to the issue and necessary to a full
61 understanding by them of the matter in question, and may
62 administer oaths; and any witness or person in charge of
63 said books, accounts and papers refusing to attend or to
64 produce the same shall be subject to the same penalty and
65 proceedings so far as applicable as witnesses summoned to
66 attend the supreme judicial court. Depositions may be
67 taken as in civil actions. The report of the stenographers

68 appointed by the appraisers, certified by said appraisers as
69 correct, shall be filed with the award to be made by said
70 appraisers and shall be legal evidence of all proceedings so
71 reported. The appraisers so appointed shall, after notice
72 and hearing, fix the valuation of said plant, property and
73 franchises at what they are fairly and equitably worth, so
74 that said water company shall receive just compensation
75 for all the same. The first day of October, nineteen hun-
76 dred and twenty-nine, shall be the date as of which the
77 valuations aforesaid shall be fixed and from which date
78 interest on said award, over and above the amount of all
79 mortgages, liens and encumbrances thereon assumed by said
80 district as of said date shall run, at the rate of six per cent
81 per annum, and all net rents and profits accruing there-
82 after shall belong to said water district.

The report of said appraisers or a majority of them shall
2 be filed in the office of the clerk of the supreme judicial
3 court for the county of York, in term time or vacation,
4 within four months after their appointment, unless the time
5 is extended by the court for cause, and such single justice,
6 or in case of his inability to act, any justice of said court
7 appointed by the chief justice may after notice and hearing
8 confirm or reject the same, or recommit it if justice re-
9 quires; and in case of such rejection of recomittal such
10 justice may order a new hearing and a new report thereon,
11 if justice so requires.

Upon the confirmation of said report, the award of the

2 appraisers shall be conclusive as to valuation, and the court
3 so sitting shall thereupon, after hearing, make final decree
4 upon the entire matter, including application of the pur-
5 chase money and the transfer of property and franchises,
6 jurisdiction over which is hereby conferred, and with the
7 power to enforce said decree as in equity cases. The justice
8 making such final decree shall, upon request of either party,
9 make separate findings of law and fact. All findings of
10 fact by said court shall be final, but either party aggrieved
11 may take exceptions as to any ruling of law so made, the
12 same to be accompanied only by so much of the case as
13 may be necessary to a clear understanding of the questions
14 raised thereby. Such exceptions shall be claimed on the
15 docket within ten days after such final decree is so signed,
16 entered and filed, and notice thereof has been given by the
17 clerk to the parties or their counsel, and said exceptions so
18 claimed shall be made up, allowed and filed within said time
19 unless further time is granted by the court or by agreement
20 of the parties. They shall be entered at the next term of
21 the law court to be held after the filing and entry of said
22 decree and there heard unless otherwise agreed; or the law
23 court for good cause shall order further time for hearing
24 thereon.

Before said plant, property and franchises, or any of them,
2 are transferred in accordance with said final decree and
3 before payment therefor as hereinbefore provided, said
4 court sitting in said county of York, in term time or vaca-

5 tion, by a single justice thereof, shall upon motion of either
6 party after notice and hearing, take account of all receipts
7 and expenditures, properly had or incurred by the York
8 Shore Water Company belonging to the period from and
9 after said first day of October, nineteen hundred and
10 twenty-nine, and all net rents and profits accruing there-
11 after, and shall order the net balance due to any party to
12 be added to or deducted from, the amount to be paid under
13 said final decree as the case may be. All findings of law
14 and fact by such justice at said hearing shall be final.

On payment or tender by said district of the amount so
2 determined and the performance of all other terms and
3 conditions so imposed by the court, the entire plant, prop-
4 erty and franchises of said York Shore Water Company
5 described in section ten shall become vested in said water
6 district, subject to all liens, mortgages and encumbrances
7 theretofore created by said water company. Either party
8 may file and prosecute motions and petitions relating to the
9 premises at any stage of the proceedings, and the proceed-
10 ings shall not be discontinued except upon consent of both
11 parties.

If a vacancy occurs at any time in said board of appraisers
2 from any cause, such sitting justice, or in case of his inabil-
3 ity to act, any justice of said court appointed by the chief
4 justice, may in term time or vacation, after notice and
5 hearing, appoint a new appraiser or appraisers and make
6 all such orders for hearing said cause by the appraisers,

7 anew or for any extension of time for making their award,
8 or otherwise, as the circumstances of the case may require.
9 Nothing herein contained shall preclude said district from
10 acquiring said properties from said York Shore Water Com-
11 pany at any time by mutual agreement.

Sect. 13. *Authority to contract for municipal supply; all*
2 *valid contracts to be assumed.* Said water district is here-
3 by authorized to make contracts with the town of York or
4 any municipal corporation therein for the purpose of sup-
5 plying water as contemplated by this act, and the town of
6 York by its selectmen or any municipal corporation in said
7 town by its proper officers is hereby authorized to enter into
8 a contract with said district for a supply of water for pub-
9 lic uses on such terms and for such time as the parties may
10 agree, which contract when made shall be legal and binding
11 on all parties thereto, and said town of York or any mu-
12 nicipal corporation therein for said purposes may raise
13 money in the same manner as for other municipal charges.
14 All valid contracts now existing between York Shore Water
15 Company and any persons, corporations or municipal cor-
16 porations for supplying water in the town of York shall be
17 assumed and carried out by said York Water District, pro-
18 vided copies of said contracts shall have been filed by said
19 company in accordance with the order of the court as set
20 forth in section twelve hereof.

Sect. 14. *Authority to borrow money.* For accomplish-
2 ing the purposes of this act, said water district through its

3 trustees is authorized to borrow money temporarily and to
4 issue therefor the negotiable notes of the district, and for
5 the purpose of refunding the indebtedness so created, for
6 paying any necessary expenses and liabilities incurred under
7 the provisions of this act, including the expenses incurred
8 in the creation of a district; in acquiring the properties
9 and franchises of said York Shore Water Company and
10 said sinking funds by purchase or otherwise, of assuming
11 and paying all mortgages, liens and encumbrances thereon
12 as provided in sections ten and twelve, of securing sources
13 of supply, taking water and land, paying damages, laying
14 pipes, constructing, maintaining and operating a water
15 plant and making renewals, extensions, additions and im-
16 provements to the same, and protecting the water shed, the
17 said water district through its trustees may from time to
18 time issue bonds of the district to an amount or amounts
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 one hundred and five
23 of chapter fifty-one of the revised statutes, and all of the
24 provisions of said section shall be applicable thereto. Said
25 notes and bonds shall be legal investments for savings banks.

Sect. 15. *Water rates; sinking fund.* All individuals,
2 firms and corporations, whether private, public or municipi-
3 pal, shall pay to the treasurer of said district the rates es-
4 tablished by said board of trustees for the water used by

5 them; and the rates for water so supplied shall be uniform
6 within the territory supplied by the district whenever the
7 installation and maintenance of mains and the cost of serv-
8 ice is substantially uniform, but nothing in this act shall
9 preclude said district from establishing higher rates than
10 the regular rates in sections where for any reason the cost
11 of construction and maintenance or the cost of service ex-
12 ceeds the average, but such higher rates shall be uniform
13 throughout the sections where they apply. Said rates shall
14 be so established as to provide revenue for the following
15 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 nor more than five per cent of the entire indebtedness cre-
3 ated or assumed by the district, which sum shall be turned
4 into a sinking fund and there kept to provide for the extin-
5 guishment of such indebtedness. The money set aside for
6 the sinking fund shall be devoted to the retirement of the
7 obligations of the district or invested in such securities as
8 savings banks are allowed to hold.

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

Sect. 16. *Incidental rights and powers granted.* All inci-
2 dental rights, powers and privileges necessary to the accom-

3 plishment of the main object herein set forth are granted
4 to the public municipal corporation hereby created.

Sect. 17. *Provisions for acceptances of the charter.* This
2 act shall not take effect unless accepted and approved by a
3 majority vote of the legal voters within said water district
4 voting at an election specially called and held for the pur-
5 pose, by the selectmen of the town of York on the first
6 Monday of August, nineteen hundred and twenty-nine, as
7 provided in section nine of this act; said special election to
8 be called, advertised and conducted according to the law
9 relating to municipal elections. Provided, however, that the
10 selectmen of said town of York shall not be required to
11 prepare for posting, nor the clerk to post, a new list of
12 voters. Said selectmen shall be in session the three secular
13 days next preceding said special election for the purpose of
14 revising the lists as provided in said section nine. The town
15 clerk shall reduce the subject matter of this act to the fol-
16 lowing question: "Shall the act to incorporate the York
17 Water District be accepted?" and the voters shall indicate
18 by a cross placed against the words "Yes" or "No" their
19 opinion of the same. The result shall be declared by the
20 selectmen and due certificate thereof filed by the town clerk
21 with the secretary of state.

Sect. 18. *Selectmen of York prepare list of voters; war-*
2 *rants for election.* In all elections hereunder the select-
3 men of the town of York shall exclude from their lists and
4 from all check lists the legal voters who are resident out-

5 side the territorial limits of said water district as defined
6 in this act, and all warrants issued for elections shall be
7 varied accordingly to show that only the voters resident
8 within the territorial limits of said water district are entitled
9 to vote hereunder.

Sect. 19. *Certain sections inoperative on failure to ac-*
quire York Shore Water Company plant. If said water
3 district shall fail to acquire by purchase or by the exercise
4 of the right of eminent domain as in this act provided, the
5 plant, property, franchises, rights and privileges owned by
6 the York Shore Water Company and used or usable in sup-
7 plying water to the town of York, then the provisions of
8 this act relative to the acquisition of said property and
9 franchises of the York Shore Water Company by said wa-
10 ter district and all the provisions of section two of this act
11 shall be inoperative, null and void.

Sect. 20. *Public utilities commission statutes shall govern*
the district. Nothing herein contained is intended to re-
3 peal or shall be construed as repealing the whole or any
4 part of any existing statute, and all the rights and duties
5 herein mentioned shall be exercised and performed in ac-
6 cordance with all the applicable provisions of chapter fifty-
7 five of the revised statutes and all acts amendatory thereof
8 or additional thereto.

Sect. 21. *Costs and expenses of taking directed by court.*
2 All costs and expenses of the taking of the property of the
3 York Shore Water Company arising under the provisions

4 of this act shall be paid and borne as directed by the court
5 in the final decree provided by section twelve.