

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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1929

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Fourth
Legislature

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Sections one and three of chapter one hundred and sixty-two of the private and special laws of eighteen hundred and eighty-seven, as amended by chapter two of the private and special laws of nineteen hundred and twenty-seven, is hereby further amended by striking out the word "Division" wherever it occurs in sections one and two and inserting in lieu thereof the word 'Department' so that said sections as amended shall read as follows:

'Sec. 1. Corporators; change of corporate name; purposes, etc. Frank P. Merrill, Augustus S. Libby, Charles H. Rice, John C. Blake, Edward K. Gould, Charles O. Wadsworth, George A. Fields, Waldo H. Perry, Horace L. Wright, Samuel H. Dill, Fred E. Pottle, David A. Friend, David O. Brown, Albert M. Pitcher, Geo. B. Hodgdon, Edward J. Hatch, Fred W. Plaisted, their associates and successors, be and hereby are made a body politic and corporate by the name of the Department of Maine, Sons of Union Veterans of the Civil War, for the purpose and object of keeping green the memories of the soldiers of the union, and their sacrifices, for its maintenance; to aid the members of the Grand Army of the Republic in caring for helpless and disabled veterans and their widows and orphans, and to encourage the proper observance of Memorial Day, and also to assist needy members of the Sons of Union Veterans of the Civil War; said corporation may sue and be sued, defend and be defended, make and have all by-laws and regulations which may be necessary for the management of affairs, not repugnant to the laws of this state, and shall be vested with all powers and privileges, and be subject to all the liabilities by law incident to corporations of a similar nature.'

'Sec. 2. Board of trustees. The council of said department namely; Edward K. Gould, Charles O. Wadsworth, George A. Fields, Waldo H. Perry, Horace L. Wright, Samuel H. Dill, Fred E. Pottle, David O. Brown, Albert M. Pitcher, David A. Friend, Charles H. Rice, Edward J. Hatch, Geo. B. Hodgdon, and their successors in office, are hereby constituted a board of trustees to hold said property in trust, subject to the control of the same, to be determined by a majority vote of all the members present and voting at any regular meeting.'

Approved February 22, 1929.

Chapter 8.

An Act to Create York Water District.

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

Sec. 1. Territorial limits; corporate name; purposes. Subject to the

provisions of section seventeen hereof, the following described territory and the people within the same, viz: so much of the town of York in the county of York embraced within the following described territorial limits: Beginning at the center of the channel of York river where it flows into the Atlantic ocean; thence northwesterly by said river, following the center of the channel thereof, to a point in said river five hundred feet above the northwesterly side of Rice's bridge; thence on a line running in a northeasterly direction parallel to and holding a distance of five hundred feet from the northwesterly side of the state highway designated as Maine U. S. Route One, formerly known as The Post Road, to a point formed by the intersection of said line with the westerly projection of another line drawn five hundred feet north of and parallel to the northerly side of the Passaconaway road, which enters said state highway near Hutchins' store in Cape Neddick village; thence from said point of intersection easterly by and along said line parallel to and five hundred feet north of the northerly side of said Passaconaway road and the Weare road, so-called, to the center of the highway leading from York Beach to York Cliffs, known as The Shore Road; thence southwesterly by the center of said Shore Road and the bridge across Cape Neddick river, to the center of the channel of said Cape Neddick river; thence easterly by the channel of said river to the Atlantic ocean; thence by the ocean in a general southwesterly direction to the point of beginning at the mouth of said York river; shall constitute a public municipal corporation under the name of York Water District for the purpose of supplying said town of York and the inhabitants of said town and the village corporations therein located, with pure water for domestic, manufacturing, sanitary and municipal purposes, and the supply of shipping.

Sec. 2. Source of supply. The said district for effecting and carrying out the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from Chase's pond in said town of York, and all other ponds and streams tributary thereto or running therefrom.

Sec. 3. Right of eminent domain conferred. The said district for the purposes of its incorporation is hereby authorized to take and hold as for public uses, by purchase or otherwise, any lands or interests therein, or water rights necessary for erecting and maintaining dams, for flowage, for power, for pumping its water supply through its mains, for reservoirs, for preserving the purity of the water and water shed, for laying and maintaining aqueducts and other structures, for taking, distributing, discharging and disposing of water and for rights of way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures and lands.

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Sec. 4. Authorized to lay pipes over public ways. The said district is hereby authorized to lay in and through the streets, roads, ways, highways and bridges in said town of York, and across private lands therein, and to maintain, repair and replace all such pipes, aqueducts and fixtures as may be necessary and convenient for its corporate purposes, and whenever said district shall lay any pipes or aqueducts in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

Sec. 5. Authorized to erect dams and reservoirs; to cross navigable waters; to supply water to utilities. Said water district is hereby authorized for the purposes of its incorporation to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes. Said water district is also hereby authorized to lay, construct and maintain its pipes and fixtures in, over and under navigable waters and to build and maintain structures therefor, subject to the laws of the United States; also to supply water to any public utility now supplying water in the county of York, subject to the consent of the public utilities commission.

Sec. 6. Procedure in exercising right of eminent domain. In exercising the right of eminent domain conferred upon it by law from time to time, or any rights of eminent domain through or under the franchise of any water company by it acquired, the said district shall file in the office of the county commissioners of York county and record in the registry of deeds in said county plans of the location of all lands or interests therein, or water rights to be taken, with an appropriate description and names of the owners thereof, if known. If for any reason the district fails to acquire the property authorized to be taken and which is described in such location, or the location recorded is defective or uncertain, it may at any time correct and perfect such taking and file a new description thereof, and in such case the district is liable in damages only for the property for which the owner had not previously been paid, to be assessed as of the time of the original taking; and the district shall not be liable for any acts which would have been justified if the original taking had been lawful. No entry shall be made on any private lands except to make surveys until the expiration of ten days from said filing, whereupon possession may be had of all such lands or interests therein or water rights so taken, but title thereto shall not vest in said district until the payment therefor.

Sec. 7. Adjustment of damages; procedure as in laying out of highways. If any person sustaining damages by any taking as aforesaid shall not agree with the district upon the sum to be paid therefor, either party upon petition to the county commissioners of York county may have such damages assessed by them. The procedure and all subsequent proceedings and right of appeal therefrom shall be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

Sec. 8. Procedure in crossing of railroads. In case of any crossing of railroads, unless consent is given by the company owning or operating such railroad, as to place, manner and conditions of the crossing, within thirty days after such consent is requested by such district, the public utilities commission shall, upon petition setting forth a description of said premises and the reasons for said crossing after notice given as said commission may prescribe, determine the place, manner and conditions of such crossing, and all work within the limits of such railroad location shall be done under the supervision of the railroad company and to the satisfaction of said company, but at the expense of said water district, unless otherwise ordered by said public utilities commission.

Sec. 9. Election of trustees; term of office; by-laws; compensation; annual reports. All the affairs of said district shall be managed by a board of trustees composed of five members who shall be residents in the district and elected as hereinafter provided. The trustees to be so elected shall be chosen by a plurality vote of the legal voters within said district, voting at an election to be specially called and held for the acceptance of this act and the election of trustees on the first Monday of August, nineteen hundred twenty-nine. Such special election shall be called, advertised and conducted according to the law relating to municipal elections in said town, except as otherwise provided herein. Provided, however, that the municipal officers in said town of York shall not be required to prepare for posting, or the town clerk thereof to post, a new list of voters, but for the purpose of registration of voters said municipal officers shall be in session for three secular days next preceding such election, the first two days thereof to be devoted to registration of voters, and the last day to enable said municipal officers to verify the corrections of said lists, and to complete and close up their records of said session. All nominations of candidates so to be voted for shall be made by nomination papers signed in the aggregate for each candidate by not less than twenty-five qualified voters within said water district. Each voter signing the nomination paper shall make his signature in person and add to it his place of residence, and each voter may subscribe to as many nominations as there are trustees

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to be elected and no more. Such nomination papers shall, before being filed, be submitted to the town clerk of the town of York, who shall forthwith certify thereon what number of the signatures are names of qualified voters in said district; one of the signers to each such separate paper shall swear to the truth thereof and the certificate of such oath shall be annexed to or made upon the nomination papers. Such nomination papers shall be filed with said town clerk at least seven days, exclusive of Sundays, previous to the day of such election. With such nomination papers shall also be filed the consent in writing of the person or persons nominated. All nomination papers being filed and being in apparent conformity with the foregoing provisions, shall be deemed to be valid, and if not in apparent conformity they may be seasonably amended under oath. In case any candidate who has been duly nominated under the provisions hereof shall die before the day of election, or shall withdraw in writing, the vacancy may be supplied in the manner herein provided for such nominations. The name so supplied for the vacancy shall, if the ballots have not been printed, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, if practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the town clerk, which may be pasted in proper place upon the ballots, and thereafter shall become part and parcel of said ballots as if originally printed thereon.

Form of ballot. The ballot shall be substantially as follows: It shall contain the names of all candidates so nominated printed in one column under the heading, "For Trustees of York Water District." Above such heading shall be printed "Vote for Five," or such number as may be appropriate, "Trustees." Make a cross to the right of each name voted for. As many blank spaces shall be left after the name of the candidates as there are trustees to be elected, in which the voter may by writing insert the name or names of any person or persons for whom he desires to vote. In preparing his ballot the voter shall mark a cross (x) against and to the right of such names on such ballot as he desires to vote for, not to exceed the number of trustees so to be elected. If the voter shall desire to vote for any person or persons whose name or names are not on the printed ballot, he may fill in such name or names in the blank spaces left therefor by writing the name therein. Where the voter so adds by writing in such new name or names, his vote for such new name or names shall be counted therefor although he may fail to mark a cross against the same. The result of such election shall be declared by said municipal officers, and due certificate thereof filed with the town clerk. The term of office of the trustees chosen at said election shall begin on said first Monday of August.

Meeting of trustees. As soon as convenient after the members of said board have been so chosen, said trustees shall hold a meeting at the selectmen's office in said town of York, to be called by one of said trustees upon such reasonable notice therefor as he deems proper. They shall organize by the election of a president and clerk, adopt a corporate seal, and, when necessary, may choose a treasurer and all other needful officers and agents for the proper conduct and management of the affairs of said district. They may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. At said first meeting the trustees so elected shall determine by lot the term of office of each trustee, so that one trustee shall retire on the first Monday of May in the year nineteen hundred and thirty, on the election of his successor; and one trustee shall retire on the first Monday of May in each year thereafter in like manner, and whenever the term of office of a trustee expires, his successor shall be elected by a plurality vote by the inhabitants of said district, and upon nomination made as herein provided for the election of trustees; and for the purpose of such election a special election shall be called and held on the first Monday of May in each year, the same to be called in the manner hereinbefore provided for the first election of trustees. The trustees so elected shall serve the full term of five years; and in case any vacancy arises in the membership of the board of trustees, it shall be filled in like manner for the unexpired term by special election to be called by the municipal officers for the town of York. When any trustee ceases to be a resident of the district, he shall vacate such office of trustee and the vacancy shall be filled as aforesaid. All trustees shall be eligible to re-election, but no person holding the office of selectman or road commissioner in the town of York shall be eligible to nomination or election as trustee. Said trustees may procure an office and incur such expenses as may be necessary. Each member shall receive in full compensation for his services in whatever capacity an allowance of fifty dollars per annum and no more. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical condition and of such other matters and things pertaining to said district as shall show the inhabitants thereof how said trustees are fulfilling the duties and obligations of their trust,—such report to be made and filed with said municipal officers.

Sec. 10. Authority to purchase; right of eminent domain; to take property of York Shore Water Company. The York Water District is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plant, property, franchises,

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rights and privileges of the York Shore Water Company, except its cash assets and accounts receivable, including all stocks in other companies, lands, waters, water rights, dams, structures, reservoirs, pipes, machinery, fixtures, hydrants, tools, and all apparatus and appliances owned by said company, whether their aggregate value exceeds or not the value limit named in the charter of said York Shore Water Company, and whether the record title thereto is or is not in said York Shore Water Company. And including all interest of said York Shore Water Company in its sinking funds now in the hands of the treasurer of said company or elsewhere, which sinking funds when so acquired shall continue to be held and managed solely for the purposes under which they are now held, and the taking thereof hereunder shall in no way affect or abridge the equitable rights of the holders of said water company bonds in and under the trust now attaching to said sinking funds. Said York Shore Water Company is hereby authorized to sell, transfer and convey its franchises and property to said water district. All said franchises and properties shall be taken subject to all bonds, mortgages, liens and encumbrances thereon, all of which bonds, mortgages, liens and encumbrances shall be assumed and paid by said York Water District.

Sec. 11. Income from sinking funds; application and management thereof. After said sinking funds shall be acquired hereunder the subsequent accruing income thereon from year to year may be treated and regarded as a part of the sinking funds required to be annually set aside by said district under the provisions hereof, and the obligations of said York Shore Water Company to contribute to said sinking funds shall be assumed by said York Water District, and said York Water District and its trustees shall succeed to all the rights, powers and privileges which said York Shore Water Company and the directors of said company or either of them may have had in the control and management of said sinking funds, including the power to appoint a trustee or trustees thereof.

Sec. 12. Method of acquiring the properties of York Shore Water Company. In case said trustees fail to agree with said York Shore Water Company upon the terms of purchase of the above mentioned property on or before the first day of September, nineteen hundred and twenty-nine, said district through its board of trustees aforesaid, is hereby authorized to take all of said plant, property and franchises, subject, however, to all mortgages, liens and encumbrances thereon as stated in section ten, as and for public uses, by a petition therefor in the manner hereinafter provided, wherein said water company and its mortgagees shall be parties defendant; and said water district through its trustees is hereby authorized at any time after said first day of September, nineteen hundred and

twenty-nine, and before the first day of May, nineteen hundred and thirty, to file a petition in the clerk's office of the supreme judicial court for the county of York, in term time or vacation, addressed to any justice of said court, who, after due notice to said York Shore Water Company and its mortgagees, shall after hearing and within thirty days after the filing of said petition, appoint three disinterested appraisers, none of whom shall be residents in the county of York, one of whom shall be learned in the law, for the purpose of fixing the valuation of the plant, property and franchises of said water company.

Filing of certain papers in office of clerk of courts. Said petition shall not be dismissed after filing except by consent of both parties, but may and shall be amended in any manner required to enable the court to make all necessary decrees thereon. At the hearing aforesaid, or at any time during the proceedings, such justice, upon motion of the petitioner, may order, if the same are not voluntarily produced, under proper terms, the production in court for the inspection of the petitioner all the books and papers pertinent to the issues to be heard by said appraisers, the terms and conditions of so producing or filing said books and papers to be determined by the justice in his order therefor, and to be enforced from time to time as any justice of the supreme judicial court, in term time or vacation, upon motion of either party, may deem reasonable and proper in the premises. At such hearing such justice upon motion of the petitioner may fix a time at which said water company shall file in the clerk's office of the supreme judicial court for the county of York for the inspection of the petitioner, so far as they relate to the service in the town of York, the following: First: schedule showing names, residences and water service of all customers on the first day of October in the year nineteen hundred and twenty-nine, with the rates charged therefor; second: copies of all contracts in force on said first day of October, nineteen hundred and twenty-nine; third: an itemized statement of the gross income earned during its last complete fiscal year up to said first day of October, nineteen hundred and twenty-nine, and all operating expenses and fixed charges paid or accrued during said period, and properly chargeable thereto; fourth: a memoranda of all real estate, water rights or interests therein owned or controlled on said first day of October, nineteen hundred and twenty-nine, with such brief description thereof as will reasonably identify the same; fifth: brief description, specifications and plans of all reservoirs, mains, pipes, service pipes, hydrants, gates, gate shut-offs, fixtures and machinery, and all rights of way for maintenance of pipe lines, and all other physical elements in such water system, giving in detail quantities, size, lengths, dates of installation when known, and specifying the streets, rights of way and where situated; sixth: an itemized list of all tools, apparatus, appli-

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ances and supplies used or usable in supplying water on said first day of October. Any expenses incurred by the York Shore Water Company in preparing copies of any papers or other data filed by it in compliance with such order of court shall be borne by the water district. Such orders may be enforced from time to time by any justice of said supreme judicial court, in term time or vacation, upon motion of either party, as such justice may deem reasonable and proper in the premises. The sitting justice may upon motion of the petitioner make all such decrees as he deems reasonable and proper to enable the petitioner through its servants and employees to ascertain by examination or tests the true condition of the mains and pipes of said water company, externally or internally, in the presence of the officers or agents of said water company, the entire expense of such examination or tests to be borne by said water district. The said appraisers shall have the power to compel the attendance of witnesses and the production of all books, accounts and papers pertinent to the issue and necessary to a full understanding by them of the matter in question, and may administer oaths; and any witness or person in charge of said books, accounts and papers refusing to attend or to produce the same shall be subject to the same penalty and proceedings so far as applicable as witnesses summoned to attend the supreme judicial court. Depositions may be taken as in civil actions. The report of the stenographers appointed by the appraisers, certified by said appraisers as correct, shall be filed with the award to be made by said appraisers and shall be legal evidence of all proceedings so reported. The appraisers so appointed shall, after notice and hearing, fix the valuation of said plant, property and franchises at what they are fairly and equitably worth, so that said water company shall receive just compensation for all the same. The first day of October, nineteen hundred and twenty-nine, shall be the date as of which the valuations aforesaid shall be fixed and from which date interest on said award, over and above the amount of all mortgages, liens and encumbrances thereon assumed by said district as of said date shall run, at the rate of six per cent per annum, and all net rents and profits accruing thereafter shall belong to said water district.

Filing of appraisers' report. The report of said appraisers or a majority of them shall be filed in the office of the clerk of the supreme judicial court for the county of York, in term time or vacation, within four months after their appointment, unless the time is extended by the court for cause, and such single justice, or in case of his inability to act, any justice of said court appointed by the chief justice may after notice and hearing confirm or reject the same, or recommit it if justice requires; and in case of such rejection or recommitment such justice may order a new hearing and a new report thereon, if justice so requires.

Award of appraisers conclusive. Upon the confirmation of said report, the award of the appraisers shall be conclusive as to valuation, and the court so sitting shall thereupon, after hearing, make final decree upon the entire matter, including application of the purchase money and the transfer of property and franchises, jurisdiction over which is hereby conferred, and with the power to enforce said decree as in equity cases. The justice making such final decree shall, upon request of either party, make separate findings of law and fact. All findings of fact by said court shall be final, but either party aggrieved may take exceptions as to any ruling of law so made, the same to be accompanied only by so much of the case as may be necessary to a clear understanding of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is so signed, entered and filed, and notice thereof has been given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of the parties. They shall be entered at the next term of the law court to be held after the filing and entry of said decree and there heard unless otherwise agreed; or the law court for good cause shall order further time for hearing thereon.

Proceedings before transfer is made. Before said plant, property and franchises, or any of them, are transferred in accordance with said final decree and before payment therefor as hereinbefore provided, said court sitting in said county of York, in term time or vacation, by a single justice thereof, shall upon motion of either party after notice and hearing, take account of all receipts and expenditures, properly had or incurred by the York Shore Water Company belonging to the period from and after said first day of October, nineteen hundred and twenty-nine, and all net rents and profits accruing thereafter, and shall order the net balance due to any party to be added to or deducted from, the amount to be paid under said final decree as the case may be. All findings of law and fact by such justice at said hearing shall be final.

When payment is made. On payment or tender by said district of the amount so determined and the performance of all other terms and conditions so imposed by the court, the entire plant, property and franchises of said York Shore Water Company described in section ten shall become vested in said water district, subject to all liens, mortgages and encumbrances theretofore created by said water company. Either party may file and prosecute motions and petitions relating to the premises at any stage of the proceedings, and the proceedings shall not be discontinued except upon consent of both parties.

Vacancy in board of appraisers. If a vacancy occurs at any time in said board of appraisers from any cause, such sitting justice, or in case of

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his inability to act any justice of said court appointed by the chief justice, may in term time or vacation, after notice and hearing, appoint a new appraiser or appraisers and make all such orders for hearing said cause by the appraisers, anew or for any extension of time for making their award, or otherwise, as the circumstances of the case may require. Nothing herein contained shall preclude said district from acquiring said properties from said York Shore Water Company at any time by mutual agreement.

Sec. 13. Authority to contract for municipal supply; all valid contracts to be assumed. Said water district is hereby authorized to make contracts with the town of York or any municipal corporation therein for the purpose of supplying water as contemplated by this act, and the town of York by its selectmen or any municipal corporation in said town by its proper officers is hereby authorized to enter into a contract with said district for a supply of water for public uses on such terms and for such time as the parties may agree, which contract when made shall be legal and binding on all parties thereto, and said town of York or any municipal corporation therein for said purposes may raise money in the same manner as for other municipal charges. All valid contracts now existing between York Shore Water Company and any persons, corporations or municipal corporations for supplying water in the town of York shall be assumed and carried out by said York Water District, provided copies of said contracts shall have been filed by said company in accordance with the order of the court as set forth in section twelve hereof.

Sec. 14. Authority to borrow money. For accomplishing the purposes of this act, said water district through its trustees is authorized to borrow money temporarily and to issue therefor the negotiable notes of the district, and for the purpose of refunding the indebtedness so created, for paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of a district; in acquiring the properties and franchises of said York Shore Water Company and said sinking funds by purchase or otherwise, of assuming and paying all mortgages, liens and encumbrances thereon as provided in sections ten and twelve, of securing sources of supply, taking water and land, paying damages, laying pipes, constructing, maintaining and operating a water plant and making renewals, extensions, additions and improvements to the same, and protecting the water shed, the said water district through its trustees may from time to time issue bonds of the district to an amount or amounts necessary in the judgment of the trustees therefor. Said notes and bonds shall be legal obligations of said water district, which is hereby declared to be a quasi-municipal corporation within the meaning of section

one hundred and five of chapter fifty-one of the revised statutes, and all of the provisions of said section shall be applicable thereto. Said notes and bonds shall be legal investments for savings banks.

Sec. 15. Water rates; sinking fund. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them; and the rates for water so supplied shall be uniform within the territory supplied by the district whenever the installation and maintenance of mains and the cost of service is substantially uniform, but nothing in this act shall preclude said district from establishing higher rates than the regular rates in sections where for any reason the cost of construction and maintenance or the cost of service exceeds the average, but such higher rates shall be uniform throughout the sections where they apply. Said rates shall be so established as to provide revenue for the following purposes:

1. To pay the current expenses for operating and maintaining the water system.

2. To provide for the payment of the interest on the indebtedness created or assumed by the district.

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

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

Sec. 16. Incidental rights and powers granted. All incidental rights, powers and privileges necessary to the accomplishment of the main object herein set forth are granted to the public municipal corporation hereby created.

Sec. 17. Provisions for acceptance of the charter. This act shall not take effect unless accepted and approved by a majority vote of the legal voters within said water district voting at an election specially called and held for the purpose, by the selectmen of the town of York on the first Monday of August, nineteen hundred and twenty-nine, as provided in section nine of this act; said special election to be called, advertised and conducted according to the law relating to municipal elections. Provided, however, that the selectmen of said town of York shall not be required to prepare for posting, nor the clerk to post, a new list of voters. Said

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selectmen shall be in session the three secular days next preceding said special election for the purpose of revising the lists as provided in said section nine. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the York Water District be accepted?", and the voters shall indicate by a cross placed against the words "Yes" or "No" their opinion of the same. The result shall be declared by the selectmen and due certificate thereof filed by the town clerk with the secretary of state.

Sec. 18. Selectmen of York prepare list of voters; warrants for election. In all elections hereunder the selectmen of the town of York shall exclude from their lists and from all check lists the legal voters who are resident outside the territorial limits of said water district as defined in this act, and all warrants issued for elections shall be varied accordingly to show that only the voters resident within the territorial limits of said water district are entitled to vote hereunder.

Sec. 19. Certain sections inoperative on failure to acquire York Shore Water Company plant. If said water district shall fail to acquire by purchase or by the exercise of the right of eminent domain as in this act provided, the plant, property, franchises, rights and privileges owned by the York Shore Water Company and used or usable in supplying water to the town of York, then the provisions of this act relative to the acquisition of said property and franchises of the York Shore Water Company by said water district and all the provisions of section two of this act shall be inoperative, null and void.

Sec. 20. Public utilities commission statutes shall govern the district. Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes and all acts amendatory thereof or additional thereto.

Sec. 21. Costs and expenses of taking directed by court. All costs and expenses of the taking of the property of the York Shore Water Company arising under the provisions of this act shall be paid and borne as directed by the court in the final decree provided by section twelve.

Approved February 22, 1929.