

Chapter 241.

An Act to supply the town of Lisbon with pure water.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. The town of Lisbon, by its municipal officers or by a commission as hereinafter provided, acting for and in behalf of said town, is authorized and empowered to take water from any river, lake, pond, stream, brook, spring or other water sources, natural or artificial, except the springs owned by the Sylvester Aqueduct Company, within the towns of Lisbon, Bowdoin, or Webster, and from the Little River stream, a part of which is in Topsham, sufficient for domestic purposes in said Lisbon, including a sufficient quantity to extinguish fires, supply hotels, laundries, livery stables, business places and private dwellings, as well as for the sprinkling of lawns and streets, and for manufacturing purposes; and for the purposes aforesaid, to convey any of the waters aforesaid by aqueducts or pipes, sunk to any depth desirable for said purposes, and to lay such aqueducts or pipes under or over any water course, stream, brook, street, railroad, highway or other way, in such manner as not unreasonably to obstruct the same; and to lay down, in and through streets and ways in said town of Lisbon, and take up, replace and repair all such aqueducts, pipes or service pipes, as may be necessary to carry out the purposes of a complete system of water works.

Town of Lisbon, authorized to take water

—may conduct water in pipes.

Section 2. The town of Lisbon, by said municipal officers, or by said commission, may make any necessary contract with any person, company or corporation for acquiring the ownership of any aqueduct company or corporation, owning a system of water works, or any part thereof, in said town of Lisbon, whereby the said town of Lisbon, by its municipal officers or said commission, may be entitled to purchase the whole at any one time, or to purchase the same in installments through a period of years.

May make contract for acquisition of other system of water works.

Section 3. For the purpose of carrying out the provisions of this act, said town of Lisbon, by its municipal officers, or said commission, shall have power and is hereby authorized to take and hold by purchase or otherwise, any lands or real estate, excepting the springs owned by the Sylvester Aqueduct Company, necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, standpipes and reservoirs, for taking, conducting, conveying, holding, discharging and distributing, and for roadways to be used as approaches thereto, doing no unnecessary damage.

May take lands.

—exception.

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—may enter
on lands for
surveys and
locations.

—shall file
and publish
notice of
location of
land taken.

County com-
missioners
shall assess
damages in
case of dis-
agreement.

May contract
for
construction.

—may place
all or a part
of its capital
stock in the
hands of
trustee.

Water com-
missioners.

—election of.

The said town, by its municipal officers, or said commission, may enter upon said lands or real estate so taken and held to make surveys and locations, and shall file in the registry of deeds in the county in which such lands or property lies, plans of such lands and locations, showing the property taken within said county, and within thirty days thereafter shall publish notice of such taking and filing in some newspaper published in said county wherein said land is taken, such publication to be continued three weeks successively, and such filing in the registry of deeds shall be in lieu of any other filing now required by law. Said town of Lisbon, by its municipal officers, or by said commission, may permit the use, for said purposes, of any lands so taken by it, by any person, company or corporation, with which it has made such a contract as is described in section two, whereby the said town of Lisbon may be entitled to acquire the ownership of any aqueduct or system of water works or any part thereof in said town of Lisbon.

Section 4. Should the said town of Lisbon, by its municipal officers or said commission, and the owner of such land be unable to agree upon the damages to be paid for such taking, location and holding, the land owner or the town of Lisbon by its municipal officers, or said commission, may within twelve months after the filing of said plans and location, apply to the commissioners of the county wherein said land lies, who shall cause such damages to be assessed in the same manner, and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of railroads, so far as such law is consistent with the provisions of this act.

Section 5. The town of Lisbon, by its municipal officers or said commission, is authorized and empowered to contract with any person or corporation to construct aqueducts, pipes, locks, gates, hydrants, dams, standpipes and reservoirs and any other structures necessary for a system of water works, upon lands taken as hereinbefore prescribed. And in case any such company or corporation is organized to construct any such aqueduct, it is empowered to place all or any part of its capital stock in the name of a trustee, or trustees, and to contract that said trustee, or trustees, shall sell and deliver the same to the said town of Lisbon in installments from year to year, as may be agreed upon.

Section 6. For the purpose of carrying into effect the provisions of this act, the town of Lisbon, at a meeting duly called therefor, may as soon as this act takes effect, if it so elects, or at any time thereafter elect by ballot three water commissioners, whose duty it shall be to perform all such acts for the town as

are necessary and convenient for the full operation of this act, and such as may be prescribed by town ordinance or lawfully directed by the municipal officers of said town.

The three persons first chosen, as aforesaid shall serve one —tenure.
for one year, one for two years, one for three years from the date of the annual March meeting, following their election. Their terms of service being designated by the municipal officers of the town of Lisbon, and thereafter one commissioner shall be elected by ballot annually at the annual March meeting, to serve for the term of three years.

The municipal officers of said town of Lisbon may fill any —vacancies,
vacancy occurring by death, resignation or otherwise. Until how filled.
such water commissioners are elected, the municipal officers of said town of Lisbon shall perform the duties of the water commissioners.

Section 7. Said municipal officers of said town of Lisbon, or said water commissioners, in case water commissioners are elected as hereinbefore provided, are authorized to fix the rates for water to be paid monthly, quarterly, semi-annually or annually by persons or corporations supplied with the same, or by the state of Maine if so supplied and in the same manner determine the conditions and methods of such supply, and shall have general charge and control of the town's water system. Municipal officers or water commissioners may fix water rates.

Section 8. Said town of Lisbon, through its municipal officers, or said commission, is authorized for the purpose of carrying into effect the provisions of this act, to dig up and excavate any highway in said town, lay pipes therein, and fill the trenches under the directions of the road commissioner of said town or such person as may be acting in that capacity for the time being. May dig up streets, lay pipes, etc., under direction of road commissioner.

Section 9. Whenever said town of Lisbon, or said trustee, company or corporation of which either may obtain control, as provided in section two, either directly or through ownership of stock, shall, under section one, take water from any of the sources therein named, it shall file in the registry of deeds, in the county in which such source of supply is located, a notice of such taking, describing the size, location and depth of the pipe, or pipes, through which said water is to be taken from said source or sources. Shall file location of water supply.

The said town of Lisbon, or said trustee, company or corporation shall pay all damages sustained by any person or corporation in property, by the taking of any water, water sources, water right, or easement, or by anything done by said town, or by said trustee, company or corporation first named in this section, under the authority of this act, which shall be determined and assessed in the same manner as provided in section four, for land taken under the provisions of this act. —town, liable for damages.
—damages, how assessed.

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Section 10. For the purpose of raising money to carry out the provisions of this act, the town of Lisbon may issue its bonds, with interest coupons, in behalf of said town, signed by the municipal officers of said town, and the treasurer of said town, when authorized by a vote of said town, to an amount which, taken in connection with the other indebtedness of the town, will not exceed the amount limited by the state of Maine. And such bonds shall be signed by the municipal officers of the town and the treasurer of said town, but the coupons need be signed by the treasurer only, and shall be designated "The Lisbon Water Loan."

Section 11. Under the provisions of this act the said town of Lisbon, by a majority vote at a meeting called for the purpose or at the regular March meeting, may proceed and put in water works for one village at a time.

Section 12. The rates for the supply of water under this act shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest, and such amounts as the town may determine to be paid annually on the principal expenditures.

Section 13. In case said town of Lisbon, in a legal town meeting, shall refuse to vote to proceed as a municipality under the rights, powers and authority herein granted, with the work of supplying the town of Lisbon with pure water, or shall fail to take any action in regard to the matter, within a period of one year from the date of the approval of this act, then said town at a legal town meeting called and held for the purpose, or at the annual March meeting, is hereby granted the authority, provided a majority of its legal voters present so vote, to transfer the rights, powers, authority and privileges herein granted to the town of Lisbon, to a corporation which shall be organized for the purpose of supplying said town with pure water.

Said transfer to be made upon such terms, and under such conditions, restrictions and limitations as shall be determined by said town in a legal town meeting and W. E. Plummer, H. E. Coolidge, G. W. Curtis, William Parkin, E. T. Smith, A. E. Jordan, C. A. Julia, H. E. Plummer, J. H. Brewster and their associates are hereby constituted a corporation for such purpose of supplying the town of Lisbon with pure water.

Section 14. Said corporation for said purpose may hold real estate not exceeding in value two hundred thousand dollars.

Section 15. Said corporation shall have the right to take water from any river, lake, pond, stream, brook, spring or other water sources, natural or artificial, except the springs owned by the Sylvester Aqueduct Company, within said towns of Lisbon, Bowdoin, or Webster, and from the Little River stream, a part

of which is in Topsham, and to convey the same upon such conditions and under such restrictions as are prescribed in section one of this act.

Section 16. Said corporation shall have the right to take lands or real estate, necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, stand pipes, reservoirs, and water works structures, upon such conditions and under such restrictions as are prescribed in section three of this act.

May take
lands.

Section 17. Said corporation shall have the right to lay its pipes or aqueducts under or over any water course, street, railroad, highway or other way, and in and through the streets and ways in said town of Lisbon, in such manner, and under such restrictions as are prescribed in section one of this act.

May lay
pipes.

Section 18. Said corporation shall have the right to settle damages for the taking and holding of land or real estate, for the location of its pipes, aqueducts, locks, gates, hydrants, dams, stand pipes, reservoirs and waterworks structures, and their maintenance upon such terms and conditions, and in such manner, as is prescribed in section four of this act.

Damages, how
settled.

Section 19. If it shall be necessary for said corporation to lay pipes or aqueducts across or under the tracks or location of any railroad company, and said corporation shall fail to agree with such railroad company, as to place, manner and condition of crossing its railroad, with such pipes or aqueducts, the place, manner and condition of said crossing shall be determined by the railroad commissioners, and all work within the limits of the railroad location shall be done under the supervision and to the satisfaction of the officers and agents of the railroad company, but at the expense of said corporation.

Railroad com-
missioners
shall
determine
manner of
laying pipes
across
railroad
locations.

Section 20. Said corporation shall be responsible for all damages to persons or property, occasioned by the use and occupancy of said streets and ways, for the laying of its pipes and aqueducts and the construction of its locks, gates, hydrants, dams, stand pipes, reservoirs and water works structures, and shall pay to said town all sums recovered against said town for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending suits for such damages.

Liability for
damage
caused by
occupancy of
streets.

Section 21. Said town of Lisbon at any time after the expiration of three years from the opening for use and service of a system of water works constructed by said corporation, and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell, to said town, said system of water works, including everything appertaining thereto, and if said town and

Town of
Lisbon may
purchase
plant after
three years
of opening of
water service.

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corporation cannot agree upon the terms, upon such terms and at such price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

May make
contracts for
supplying
water.

Section 22. Said corporation may make contracts with the state of Maine, the town through which the pipes of the system may be laid, or with the corporations and individuals of said town, for supplying water as contemplated in this act, and said corporation may establish and fix from time to time rates for the use of said water, and collect the same and the town of Lisbon in legal town meeting may authorize its municipal officers to contract for a supply of water for the extinguishment of fires, flushing of sewers or other purposes, for a term of years with said corporation.

Capital stock.

Section 23. The capital stock of said corporation shall not exceed two hundred thousand dollars and may be divided into shares of fifty dollars each.

—may issue
bonds.

Section 24. Said corporation may issue bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding in amount the amount of capital stock subscribed for, and secure the same by mortgage on the franchise and property of said corporation.

Charter null
and void
after two
years.

Section 25. If said corporation shall not be organized and have its works in actual operation within two years from the date of approval of this act, the rights and privileges herein granted shall be null and void.

First meeting.
how called.

Section 26. The first meeting of said corporation may be called by a notice, signed by any one of the corporators, served upon each corporator, by giving him the same in hand, or by leaving the same at his last and usual place of abode, seven days before the time of meeting.

Section 27. Except as herein otherwise provided, this act shall take effect when approved.

Approved March 24, 1903.

Chapter 49.

An Act to extend the provisions of Chapter two hundred and forty-one of the Private and Special Laws of nineteen hundred and three entitled "An Act to supply the town of Lisbon with pure water."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Section 1. The rights, powers and privileges which were granted to the town of Lisbon by chapter two hundred and forty-one of the private and special laws of the year nineteen hundred and three are hereby extended for and during the period of two years from the twenty-fourth day of March, in the year of our Lord nineteen hundred and five, and all the rights, powers and privileges that were granted by said act may and shall be exercised in the same manner and for the same purpose as provided in said act. Charter extended.

Section 2. This act shall take effect when approved.

Approved February 17, 1905.

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Chapter 31.

An Act to extend the provisions of Chapter two hundred and forty-one of the Private and Special Laws of nineteen hundred and three, entitled "An Act to supply the town of Lisbon with pure water."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Charter
extended.

Section 1. The rights, powers and privileges which were granted to the town of Lisbon by chapter two hundred and forty-one of the private and special laws of the year nineteen hundred and three, are hereby extended for and during the period of two years from the twenty-fourth day of March, in the year of our Lord nineteen hundred and seven, and all the rights, powers and privileges that were granted by said act may and shall be exercised in the same manner and for the same purpose as provided in said act.

Section 2. This act shall take effect March twenty-fourth, nineteen hundred and seven.

Approved February 12, 1907.

Chapter 10.

An Act to extend the provisions of Chapter two hundred and forty-one of the Private and Special Laws of nineteen hundred and three, entitled "An Act to supply the town of Lisbon with pure water."

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

Rights and
powers
extended for
two years.

The rights, powers and privileges which were granted to the town of Lisbon by chapter two hundred and forty-one of the private and special laws of the year nineteen hundred and three, are hereby extended for and during the period of two years from the twenty-fourth day of March, in the year of our Lord nineteen hundred and nine, and all the rights, powers and privileges that were granted by said act may and shall be exercised in the same manner and for the same purpose as provided in said act.

Approved February 19, 1909.

Chapter 23.

An Act to Enable the City of Lewiston to Sell Water to the Town of Lisbon.

Emergency preamble. Whereas, the inhabitants of the town of Lisbon living in that part of the town, known as Lisbon Center and Lisbon Village, are without an adequate supply of pure water for domestic and public purposes, and whereas the supply of water for domestic and public purposes to the inhabitants of said town is an emergency measure immediately necessary for the preservation of the public peace, health and safety, now therefore,

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

Sec. 1. P. & S. L., 1899, c. 153; authorizing city of Lewiston to take water for municipal and domestic purposes, amended. Chapter one hundred and fifty-three of the private and special laws of eighteen hundred and ninety-nine is hereby amended by adding to said chapter the following section:

'Sec. 6. May contract for sale of water to town of Lisbon. The city of Lewiston is hereby authorized to take water from Lake Auburn in sufficient quantities for the purpose of supplying water to the town

of Lisbon for all public and domestic purposes. The board of water commissioners of the city of Lewiston or other proper officials are hereby authorized to contract for the sale of water to the town of Lisbon subject to the approval of the public utilities commission.'

Sec. 2. Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved March 10, 1921.

Chapter 24.

An Act to Aid the Town of Lisbon to Supply the Inhabitants of Said Town with Pure Water.

Emergency preamble. Whereas, the inhabitants of the town of Lisbon living in that part of the town, known as Lisbon Center and Lisbon Village, are without an adequate supply of pure water for domestic and public purposes, and whereas the supply of water for domestic and public purposes to the inhabitants of said town is an emergency measure immediately necessary for the preservation of the public peace, health and safety, now therefore,

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

Sec. 1. P. & S. L., 1903, c. 241; authorizing town of Lisbon to supply water for domestic and municipal purposes, amended. Chapter two hundred and forty-one of the private and special laws of nineteen hundred and three is hereby amended by adding to said chapter the following section:

'Sec. 28. Authorized to purchase water from city of Lewiston. The town of Lisbon is hereby authorized to obtain, and sell to the inhabitants of said town, a supply of Lake Auburn water, for public, domestic, and industrial purposes, from the city of Lewiston, and to contract with the board of water commissioners, or any other city officials authorized to so do in the city of Lewiston, for such water, subject to the approval of the public utilities commission.'

Sec. 2. Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.

Approved March 10, 1921.

1955 Amended

Chapter 34

AN ACT Relating to the Lisbon Water Department.

Emergency preamble. Whereas, acts and resolves do not become effective until 90 days after the legislature adjourns; and

Whereas, pure water is essential to the welfare and well-being of the inhabitants of the town of Lisbon; and

Whereas, the following legislation is vitally necessary to permit the inhabitants of the Town of Lisbon to vote thereon as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. P. & S. L., 1903, c. 241, § 1, amended. Section 1 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 1. Town of Lisbon authorized to take water; conduct same in pipes; construct standpipes; additions and extensions, etc. The town of Lisbon, ~~by its municipal officers or~~ by a commission as hereinafter provided, acting for and in behalf of said town, is authorized and empowered to take water from any river, lake, pond, stream, brook, spring or other water sources, natural or artificial, ~~except the springs owned by the Sylvester Aqueduct Company~~ within the towns of Lisbon, Bowdoin, or Webster, and from the Little River stream, a part of which is in Topsham, sufficient for domestic purposes in said Lisbon, including a sufficient quantity to extinguish fires, supply hotels, laundries, livery stables, business places and private dwellings, as well as for the sprinkling of lawns and streets, and for manufacturing purposes; and for the purposes aforesaid, to convey any of the waters aforesaid by aqueducts or pipes, sunk to any depth desirable for said purposes, and to lay such aqueducts or pipes under or over any water course, stream, brook, street, railroad, highway or other way, in such manner as not unreasonably to obstruct the same; to construct and maintain extensions of and additions to said pipes; to construct, erect and maintain reservoirs and standpipes and to lay down in and through streets and ways in said town of Lisbon, and take up, replace and repair all such aqueducts, pipes or service pipes, as may be necessary to carry out the purposes of a complete system of water works and any and all necessary extensions of and additions to said system of waterworks.'

Sec. 2. P. & S. L., 1903, c. 241, § 2, amended. Section 2 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 2. May make contract for acquisition of other system of water works. The town of Lisbon, ~~by said municipal officers, or~~ by said commission, may make any necessary contract with any person, company or corporation for acquiring the ownership of any aqueduct company or corporation, owning a system of water works, or any part thereof, in said town of Lisbon, whereby the said town of Lisbon, ~~by its municipal officers or~~ said commission, may be entitled to purchase the whole at any one time, or to purchase the same in installments through a period of years.'

Sec. 3. P. & S. L., 1903, c. 241, § 3, amended. Section 3 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 3. May take lands; may enter on lands for surveys and locations; shall file and publish notice of location of land taken. For the purpose of carrying out the provisions of this act, said town of Lisbon, ~~by its municipal officers, or~~ said commission, shall have power and is hereby authorized to take and hold by purchase or otherwise, any lands or real estate ~~excepting the springs owned by the Sylvester Aqueduct Company~~ necessary for laying and maintaining pipes, aqueducts, locks, gates, hydrants, dams, standpipes and reservoirs, for taking, conducting, conveying, holding, discharging and distributing, and for roadways to be used as approaches thereto, doing no unnecessary damage.

The said town, ~~by its municipal officers, or~~ said commission, may enter upon said lands or real estate so taken and held to make surveys and locations, and shall file in the registry of deeds in the county in which such lands or property lies, plans of such lands and locations, showing the property taken within said county, and within 30 days thereafter shall publish notice of such taking and filing in some newspaper published in said county wherein said land is taken, such publication to be continued 3 weeks successively, and such filing in the registry of deeds shall be in lieu of any other filing now required by law. Said town of Lisbon, ~~by its municipal officers, or~~ by said commission, may permit the use, for said purposes, of any lands so taken by it, by any person, company

or corporation, with which it has made such a contract as is described in section 2, whereby the said town of Lisbon may be entitled to acquire the ownership of any aqueduct or system of water works or any part thereof in said town of Lisbon.'

Sec. 4. P. & S. L., 1903, c. 241, § 4, amended. Section 4 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 4. County commissioners to assess damages in case of disagreement. Should the said town of Lisbon, by its ~~municipal officers~~ or said commission, and the owner of such land be unable to agree upon the damages to be paid for such taking, location and holding, the ~~land owner~~ landowner or the town of Lisbon by its ~~municipal officers~~, or said commission may, within 12 months after the filing of said plans and location, apply to the commissioners of the county wherein said land lies, who shall cause such damages to be assessed in the same manner, and under the same conditions, restrictions, limitations and rights of appeal as are by law prescribed in the case of damages for the laying out of railroads, so far as such law is consistent with the provisions of this act.'

Sec. 5. P. & S. L., 1903, c. 241, § 5, amended. Section 5 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 5. May contract for construction. The town of Lisbon, by its ~~municipal officers~~ or said commission, is authorized and empowered to contract with any person or corporation to construct aqueducts, pipes, locks, gates, hydrants, dams, standpipes and reservoirs and any other structures necessary for a system of water works, upon lands taken as hereinbefore prescribed. And in case any such company or corporation is organized to construct any such aqueduct, it is empowered to place all or any part of its capital stock in the name of a trustee or trustees, and to contract that said trustee, or trustees, shall sell and deliver the same to the said town of Lisbon in installments from year to year, as may be agreed upon'

Sec. 6. P. & S. L., 1903, c. 241, § 6, amended. Section 6 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 6. Water commissioners; election, tenure, vacancies, restrictions, salaries. For the purpose of carrying into effect the provisions of this act, the town of Lisbon, at a meeting duly called therefor, may as soon as this act takes effect, if it so elects, or at any time thereafter elect by ballot 3 water commissioners, whose duty it shall be to perform all such acts for the town as are necessary and convenient for the full operation of this act and such as may be prescribed by town ordinance or lawfully directed by the municipal officers of said town and all the affairs of the town in connection with or incidental to the management and operation of said water system.

The 3 persons first chosen, as aforesaid shall serve one for 1 year, one for 2 years, one for 3 years from the date of the annual March meeting, following their election. Their terms of service being designated by the municipal officers of the town of Lisbon, and thereafter. Thereafter one commissioner shall be elected by ballot annually at the annual March meeting, to serve for the term of 3 years.

The municipal officers of said town of Lisbon may fill any vacancy occurring by death, resignation or otherwise. Until such water commissioners are

elected, the municipal officers of said town of Lisbon shall perform the duties of the water commissioners.

The Board of Selectmen of said town of Lisbon shall fill any vacancy in the Board of Water Commissioners occurring by death, resignation, removal of domicile from the town of Lisbon, or other legal cause. Any member of the Board of Water Commissioners who removes or changes his domicile to any place outside the town of Lisbon shall be deemed to have automatically vacated his office. Any vacancy so filled by the Board of Selectmen shall be deemed to have been filled only until the next annual March town meeting.

No other elected officer of the town of Lisbon shall be eligible to be elected to or appointed to the Board of Water Commissioners. No member of the Board of Water Commissioners shall be eligible to be elected to any other office in said town of Lisbon.

The salary of the members of the Board of Water Commissioners shall be determined by vote at the annual town meeting.

Sec. 7. P. & S. L., 1903, c. 241, § 7, amended. Section 7 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 7. Water commissioners may fix water rates. Said ~~municipal officers of said town of Lisbon, or said water commissioners in case water commissioners are elected as hereinbefore provided~~ are authorized to fix the rates for water to be paid monthly, quarterly, semi-annually or annually by persons or corporations supplied with the same, or by the state of Maine if so supplied, and in the same manner determine the conditions and methods of such supply, and shall have general and exclusive charge and control of the town's water system. Said rates shall be subject to the approval of the Public Utilities Commission.'

Sec. 8. P. & S. L., 1903, c. 241, § 8, amended. Section 8 of chapter 241 of the private and special laws of 1903 is hereby amended to read as follows:

'Sec. 8. May dig up streets, lay pipes, etc., under direction of road commissioner. Said town of Lisbon, through its ~~municipal officers, or said commissioner~~, is authorized for the purpose of carrying into effect the provisions of this act, to dig up and excavate any highway in said town, lay pipes therein, and fill the trenches under the directions of the road commissioner of said town or such person as may be acting in that capacity for the time being.'

Sec. 9. P. & S. L., 1903, c. 241, § 9, repealed and replaced. Section 9 of chapter 241 of the private and special laws of 1903 is hereby repealed and the following enacted in place thereof:

'Sec. 9. Town liable for damages; how assessed. Whenever the Board of Water Commissioners of the town of Lisbon takes water from any of the sources hereinbefore named, it shall file in the registry of deeds in the county in which such source of supply is located a notice of such taking, describing the size, location and depth of the pipe, or pipes, through which said water is to be taken from said source or sources.

The said town of Lisbon, by its Board of Water Commissioners, shall pay all damages sustained by any person or corporation in property, by the taking of any water, water sources, water right or easement, or by anything done by said Water Commissioners, under the authority of this act, which shall be determined and

assessed in the same manner as provided in section 4 for land taken under the provisions of this act.'

Sec. 10. P. & S. L., 1903, c. 241, § 10, repealed and replaced. Section 10 of chapter 241 of the private and special laws of 1903 is hereby repealed and the following enacted in place thereof:

'Sec. 10. May issue bonds. For accomplishing the purposes of this act, the town of Lisbon through its board of selectmen and its Board of Water Commissioners, after vote by the town, is authorized to borrow, in behalf of said town, amounts of money which taken in connection with the other indebtedness of the town, will not exceed the amount limited by the State of Maine, from time to time, temporarily or for long terms, and to issue therefor the interest bearing negotiable bonds and notes of the town, maturing serially, or otherwise, or to make subsequent renewals of the same in whole or in part, and for said purposes and for the purpose of refunding any bonds, notes or other debt of the town for said water system and for the purpose of establishing a fund or funds therefor, and for the purpose of obtaining or providing money to pay any necessary expenses and liabilities under the provisions of this act, in securing sources of supply in taking water and land and acquiring the properties of those persons and companies hereinbefore set forth, in paying damages, laying pipes, constructing and maintaining a water plant and making extensions, additions and improvements to the same, said town through its board of selectmen and its Board of Water Commissioners may, from time to time, issue negotiable notes and bonds of the town to an amount necessary in the judgment of the Board of Water Commissioners, maturing at one time or in uniform or varying installments, with or without provisions for calling the same for payment before maturity, and in case of such call provisions, with or without providing for the payment of a premium of not exceeding 5% of the principal upon such call. Said notes and bonds shall be legal obligations of said town. The said notes and bonds shall be legal investments for savings banks. Such bonds shall be signed by the board of selectmen and by the Board of Water Commissioners of the town and by the treasurer of said town, but the coupons need be signed by the treasurer only, and shall be designated "The Lisbon Water Department Loan."'

Sec. 11. P. & S. L., 1903, c. 241, §§ 11-26, repealed and replaced by §§ 11-15, inclusive. Sections 11 to 26, inclusive, of chapter 241 of the private and special laws of 1903 are hereby repealed and the following sections, to be numbered 11 to 15, inclusive, enacted in place thereof:

'Sec. 11. Rules and regulations. The Board of Water Commissioners shall have the general and exclusive authority and responsibility to prepare and issue rules and regulations for the management and operation of said water system, subject to the rules and regulations of the Public Utilities Commission.'

Sec. 12. Extensions; when and how made. The Board of Water Commissioners shall have the general and exclusive authority and responsibility to determine when, where and under what terms and conditions extensions to said water system shall be made and shall engage and consult all professional advice and opinion which they deem necessary and proper; provided, however, that no extension shall, in any event, be constructed until after vote of a legal town meeting nor until after majority vote of said Board of Water Commissioners.

Sec. 13. Moneys of Water Department; how disbursed; not to be transferred to another department. All moneys received from water rentals, notes, bonds or other sources in connection with said water department shall be deposited in such banks or depositories as the Board of Water Commissioners shall determine in

separate accounts entitled "Town of Lisbon Water Department" and all withdrawals from said account shall be over or upon the orders or warrants of the Board of Water Commissioners or a majority of said Board, said warrants and orders to be directed to the Town Treasurer. The Treasurer of said Town shall execute and carry out all such orders and warrants without requiring the signature of the Board of Selectmen.

No money or surplus shall be transferred by vote of the Town or otherwise from the water department to any other department of the Town.

Sec. 14. Water rates; how determined; sinking fund. All individuals, firms and corporations whether private, public or municipal shall pay to the said water department the rates established by said Board of Water Commissioners for the service used by them, and said rates shall be uniform within the territory supplied by the water department, and the water rates shall be subject to the approval of the Public Utilities Commission. Said water rates shall be so established as to provide revenue for the following purposes:

- I. To pay current expenses for operating and maintaining the water system and department;
- II. To provide for the payment of the interest on the indebtedness created by the water department;
- III. To provide each year a sum necessary to cover minor additions as determined by the Board of Water Commissioners but not exceeding \$3,500 per year;
- IV. To provide each year a sum equal to the annual depreciation as determined by the Board of Water Commissioners, said sum to be used only for replacing damaged, worn out or obsolete pipe lines and equipment;
- V. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the Water Department, which sum shall be turned into a sinking fund and there kept to provide for the extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the Water Department or invested in such securities as savings banks or fiduciaries or trustees are now or hereafter allowed to hold. Provided, however, that the board of selectmen and the Board of Water Commissioners may, after vote of the town, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the Water Department so that not less than 1% of the amount of the bonds so issued shall mature and be retired each year;
- VI. If any surplus remains at the end of the year, it may on order of the Board of Water Commissioners be turned into the sinking fund.

Sec. 15. Annual report; audit. The Board of Water Commissioners shall prepare a written annual report which shall include an audited financial report, a report of physical accomplishments for the year and a summary of its plans and recommendations for the ensuing year, which said report shall be incorporated in full by the board of selectmen in the annual town report for the current year.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the pur-

pose of permitting its submission to the legal voters of the town of Lisbon at a meeting which shall be called by the selectmen of the town of Lisbon, at such time as the selectmen may determine, within 60 days after approval of this act. At such meeting the vote shall be by ballot bearing the question: "Shall 'An Act Relating to the Lisbon Water Department' passed by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters voting at said meeting; provided that the total number of votes cast for and against the acceptance of this act equals or exceeds 20% of the number of voters on the official check list of the town. The result of said voting shall be declared by the selectmen of the town of Lisbon and due certificate thereof filed by the town clerk with the Secretary of State.

Effective March 10, 1955