

Replacement  
of old signs.

SECTION 2. Every railroad warning sign maintained on the effective date of this act by a county, city, town or the department of public works may continue to be so maintained until such time as replacement, due to deterioration, is made necessary; provided, that at any time the department of public utilities may, in respect to any public way, after notice and hearing, by order require that said signs shall comply with the provisions of section one.

*Approved June 26, 1947.*

**Chap. 585** AN ACT ESTABLISHING THE AUBURN WATER DISTRICT IN THE TOWN OF AUBURN.

*Be it enacted, etc., as follows:*

SECTION 1. The inhabitants of the town of Auburn, liable to taxation in said town and residing within the territory of said town not within the territory now included in the Woodland water district and the Elm Hill water district, established respectively by chapters three hundred and eighty-five and three hundred and eighty-six of the acts of nineteen hundred and thirty-five, shall constitute a water district, and are hereby made a body corporate by the name of the Auburn water district, hereinafter called the district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of the district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with the metropolitan district commission for a supply of water from the metropolitan water system in the same manner as is provided by section ten of chapter ninety-two of the General Laws for such a supply of water for towns which have not been admitted into the metropolitan water district. The metropolitan district commission is hereby authorized to furnish said water either directly to such water system as may be established by said district or at the request of said district to the water system of the city of Worcester. Said city, acting through its department of public works, may contract to furnish said district with whatever water may be required for its purposes and is hereby authorized to acquire by contract with the metropolitan district commission from time to time water in an amount not exceeding the amount which said city shall

from time to time furnish to said district. No expense for or connected with pumping water to or through the water system of said city or of said district shall be borne by the metropolitan district commission.

SECTION 3. Said district may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Auburn and not already appropriated for the purposes of a public water supply, and the water and flowage rights connected with any such water supply; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements within the district necessary for storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, pumping, purification and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department of public health. The district may acquire by eminent domain under said chapter seventy-nine, or may lease or purchase, or otherwise acquire, upon such terms as may be mutually agreed upon by vote of the district and the Auburn Water Company, all the properties of said company within the district appurtenant to the business of water supply, existing on the effective date of this act. The district may construct and maintain on the lands acquired and held under this act proper dams, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures, and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct pipe lines and reservoirs and establish pumping works, and may construct, lay, acquire and maintain aqueducts, conduits, pipes and other works under or over any land, water courses, railroads, railways, and public or other ways, and along such ways, in the district, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes, and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that the manner in which all things are done upon any such way shall be subject to the

direction of the selectmen of the town of Auburn. The district shall not enter upon, construct or lay any conduit, pipe or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities. The district may enter upon any lands within the district for the purpose of making surveys, pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands within the district necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 4. Nothing in this act shall authorize the district to install an independent source of water supply, nor to lay pipes in any way served by the Auburn Water Company upon the effective date of this act, without first having acquired, as provided by section three, all the properties of the Auburn Water Company within the district appurtenant to the business of water supply, existing upon said effective date.

SECTION 5. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under said chapter seventy-nine; but the right to damages for the taking of any water or water right, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 6. The district, at the time of authorizing any loan or loans for the purposes of this act, and issuing bonds or notes therefor, shall provide for the payment thereof in accordance with the provisions of chapter forty-four of the General Laws pertaining to such districts; and, when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under said chapter forty-four, shall without further vote be assessed upon the district by the assessors of said town of Auburn annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 7. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said board by this section shall be subject to section ten.

SECTION 8. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water com-

missioners hereinafter provided for, after a hearing, due notice whereof shall have been given, such estate is so situated that it will receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, could not be supplied with water from said system in any ordinary or reasonable manner, but all other estates in the district shall be deemed to be benefited and shall be subject to such tax. A certified list of the estates exempt from taxation under this section shall annually be sent by said board of water commissioners to said assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. The assessments shall be committed to the town collector, who shall collect them in the manner provided by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 9. Any meeting of the voters of the territory included within the district by section one to be held prior to the acceptance of this act, and any meeting of the voters of the district to be held prior to the qualification of a majority of the water commissioners, shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. At any meeting held hereunder prior to the acceptance of this act, after the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall thereupon take effect, and the meeting may then proceed to act on the other articles in the warrant. After the qualification of a majority of the water commissioners, meetings of the district shall be called by warrant under their hands, unless some other method be provided by by-law or vote of the district.

SECTION 10. The district, after the acceptance of this act as aforesaid, shall elect by ballot, either at the same meeting at which this act shall have been accepted, or thereafter, at an annual meeting or at a special meeting called for the purpose, three persons, inhabitants of and voters in said district, to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the day of the next succeeding annual district meeting, to constitute a board of water com-

missioners; and at every annual district meeting following such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. The date of the next annual meeting shall be fixed by by-law or by vote of the board of water commissioners, but in no event shall it be later than fifteen months subsequent to the date on which the water commissioners were first elected. All the authority granted to said district by this act, except section six, and not otherwise specifically provided for, shall be vested in said board of water commissioners, who shall be subject, however, to such instructions, rules and regulations as the district may by vote impose. At the meeting at which said water commissioners are first elected and at each annual district meeting held thereafter, the district shall elect by ballot a clerk and a treasurer of the district. The treasurer shall not be a water commissioner, and shall give bond to the district in such an amount as may be approved by said water commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of said water commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of its water works except upon a written order of said water commissioners or a majority of them.

SECTION 11. Said board of water commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued for any of the purposes of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said water commissioners may recommend, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. Said water commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 12. The district may adopt by-laws prescribing by whom and how meetings of the district may be called, notified and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section ten. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 13. Whoever wilfully or wantonly corrupts, pol-

lutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, stand-pipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the district three times the amount of damage assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or imprisonment for not more than one year, or both.

SECTION 14. Section eight of chapter two hundred and forty-one of the Special Acts of nineteen hundred and nineteen and chapter three hundred and twenty-six of the acts of nineteen hundred and twenty-four, as amended, are hereby repealed. Section thirteen of said chapter three hundred and eighty-five and section thirteen of said chapter three hundred and eighty-six, both of the acts of nineteen hundred and thirty-five, are hereby repealed.

SECTION 15. This act shall take full effect upon its acceptance by a majority vote of the voters of the territory included within the district by section one of this act present and voting thereon, by the use of a check list, at a district meeting called, in accordance with section nine, within four years after its passage, but not otherwise.

*Approved June 26, 1947.*

AN ACT TO ESTABLISH THE SALARY OF THE REGISTRAR OF MOTOR VEHICLES. Chap. 586

*Be it enacted, etc., as follows:*

Section 5 of chapter 16 of the General Laws, as most recently amended by section 1 of chapter 234 of the acts of 1946, is hereby further amended by inserting after the second sentence the following sentence:— The registrar shall receive such salary, not exceeding seventy-five hundred dollars, as the governor and council may determine, — so as to read as follows:— *Section 5.* There shall be in the department, but in no manner subject to its control, a division of motor vehicles, to be known as the registry of motor vehicles. With the approval of the council, the governor shall appoint for a term of five years, and may remove for cause, an officer to be known as the registrar of motor vehicles who shall be the executive and administrative head of the division. The registrar shall receive such salary, not exceeding seventy-five hundred dollars, as the governor and council may determine. In addition to the deputy registrar, assistant to the registrar, hearings officers, supervising inspectors, investigators and examiners authorized to be appointed by the registrar under section twenty-nine of chapter ninety, he may appoint such other officers and employees as may be necessary to carry out the work of the division. In the event of a vacancy in the office of registrar, his powers and duties shall be exercised and performed by the deputy registrar until a registrar is

G. L. (Ter. Ed.), 16, § 5, etc., amended.

Salary of registrar of motor vehicles.