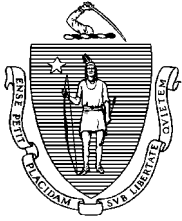


SENATE NO. 984



AN ACT TO AUTHORIZE AND EXPAND THE SUPREME JUDICIAL COURT'S ARBITRATION OF MUNICIPAL DISPUTES

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 13 of chapter 217 of the acts of 1885 is hereby amended by striking out
2 said section and inserting in place thereof the following new section:-
3 Section 13. The damages arising from the joint taking by said towns, or by such of them as
4 units and jointly act, of any waters, lands, right of way or easements or from any other thing
5 done by such towns acting jointly, and the cost charges and expenses of the construction and
6 maintenances, shall be borne and paid proportionally by usage of the water by the towns which
7 unite and jointly act; and such towns shall jointly own, hold and use the same; and each of such
8 towns shall be entitled to an equal share of water; provided however, that such towns shall pay a
9 share of cost equivalent to the proportionally benefit received by said towns; provided, in case
10 all of the towns accept this act, and at any time there it becomes necessary, or it is deemed

11 desirable, to increase the storage capacity and water supply of said Great Pond by erecting new
12 dams or other new structures, the expense of the construction and maintenance thereof and all
13 damages resulting therefrom, shall be borne and paid by the said towns in proportion to the
14 benefits received by each town from such increase of storage capacity and water supply,
15 reference being had to the existing condition of said towns at the time of the erection of said
16 new dams and other structures. In case the said towns which unite and jointly act or their
17 officers or agents, appointed as provided in this act cannot agree in any matter arising under or
18 carrying out the purpose of this act, or any other disagreements arising from a town's payment
19 associated with water usage, maintenance, or capital improvement caused by proportional water
20 benefit shifts in residential population and industrial and commercial development, then the
21 matter in controversy shall be determined by three commissioners, to be appointed by the
22 supreme judicial court, upon application of either of such towns, through its said officers or
23 agents, and notice to the others, whose award when accepted by said court, shall be binding
24 upon all parties.

