

# MAINE STATE LEGISLATURE

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



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

---

---

N I N E T Y - S E V E N T H   L E G I S L A T U R E

---

---

**Legislative Document**

**No. 1388**

H. P. 1162

House of Representatives, March 23, 1955

Reported by Mr. Skolfield from the Committee on Public Utilities and ordered printed under Joint Rules No .10.

HARVEY R. PEASE, Clerk

---

---

**STATE OF MAINE**

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

---

**AN ACT to Incorporate the Moscow Water District.**

---

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

**Sec. 1. Territorial limits; name; purposes; plans of system to be submitted to Public Utilities Commission for approval.** The territory and people comprising the Town of Moscow shall constitute a body politic and corporate under the name of the "Moscow Water District." The purposes of said District shall be to supply the inhabitants of said District with pure water for domestic, sanitary, agricultural, industrial and all lawful municipal purposes, and also for providing adequate sewerage facilities for the collection, discharge and disposition of sewage as may be necessary for the convenience and health of the inhabitants of said District.

Provided, however, that it shall not construct any system of pipe lines or development, without first having submitted its plans to the Public Utilities Commission, and obtaining its advice thereon in writing, under power vested in said Commission by Section 13, Chapter 44 of the Revised Statutes of 1954.

**Sec. 2. Powers of said Moscow Water District.** The said District, for the purposes of its incorporation, is hereby authorized to take, hold, divert, use and distribute water from Wyman Lake in the Town of Moscow, and from any surface or underground brook, well, lake, pond, stream, spring or vein of water in said Town of Moscow, and to do any and all things necessary in providing a system of sewerage and drainage for public purposes and for the health, comfort and convenience of the inhabitants of said District. Upon acceptance of this act as hereinafter provided, title to all rights, powers, privileges, title and interests, real or personal, of the system of water works of the Town of Moscow, including

pumping station, standpipe, conduits, water mains and equipment shall pass to and vest in said District; and said District shall maintain and operate the same.

**Sec. 3. May exercise eminent domain.** The said District, for the purpose of its incorporation, is hereby authorized to take and hold as for public uses, real estate and personal estate, and any interest therein necessary for such purposes, by purchase, lease or otherwise, and is hereby authorized to exercise the right of eminent domain as hereinafter provided, to acquire for such purposes any land or interest therein or water rights necessary for erecting and maintaining dams, plants and works, for flowage, for power, for pumping, for supplying water through its mains and sewerage system, for reservoirs, for preserving the purity of the water and watershed, for laying and maintaining mains, aqueducts and other structures for taking, distributing, discharging and disposing of water and sewerage, for forming basins, reservoirs and outlets in a sewage system, for erection of buildings for pumping works for use therein, for laying pipes and sewers and maintaining same, and for laying and maintaining conduits for carrying, collecting, discharging of sewage matters and waters, for filtering, rectifying, treating and disposal plants, works and facilities, for such other objects necessary, convenient and proper for the purposes of its incorporation, and for rights-of-way or roadways to its sources of supply, dams, power stations, reservoirs, mains, aqueducts, structures, plants, works, facilities and lands.

The said District is hereby authorized to lay in and through the streets, roads, ways and highways within the town, and across private lands therein, and to maintain, repair and replace, all such pipes, mains, conduits, equeducts and fixtures as may be necessary and convenient for any of its corporate purposes and authorities, and whenever said District shall lay or install any pipes, aqueducts, fixtures 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 so replaced as to leave the surface in proper condition.

Provided, however, nothing herein contained shall be construed as authorizing said water district to take by right of eminent domain any of the property or facilities of any other public service corporation or district used or acquired for future use by the owner thereof in the performance of a public duty unless expressly authorized thereto herein, or by subsequent act of the legislature.

**Sec. 4. Procedure in Exercise of right of eminent domain.** The trustees hereinafter provided for said District may exercise the right of eminent domain vested in said District for the purposes of this act after hearing, notice of the time and place of the said hearing having been given by publication in the Waterville Morning Sentinel once a week for 2 successive weeks, the last publication to be at least 2 weeks previous to the time appointed for said hearing, and the clerk of said District shall keep a record of their proceedings, and their determination and decision, which shall set forth a description of the land or easement taken, and the owners, if known, and the amount of damages awarded therefor. In lieu of the notice for publication hereinbefore defined, said notice may be served in hand by an officer duly qualified to serve civil process in this state on the record owner or owners of the premises involved, the same to be served at least 14 days prior to the time appointed for said hearing. Upon the

signing of said record of said trustees, and the filing of the same in the registry of deeds for the county of Somerset, said trustees may enter upon such land and take possession of the same or an easement therein, as the case may be, for the purposes of this act. Any person aggrieved by the decision of said trustees, as it relates to the damages for land or easements therein so taken, shall have the same rights or appeal as are provided in the case of the laying out of town ways.

**Sec. 5. Authority as to sewers.** Said District may take into, receive and convey through its pipes, conduits and system, surface water and the natural flowage of existing water courses; may establish through and by its trustees regulations for the use of sewers and fix and collect the prices to be paid for entering the same, and also the annual or periodic rentals for the use thereof; may carry and lay conduits and pipes under any water course, and cross any drain or sewer, or, if necessary, to change its direction in such a manner as not to obstruct the use thereof, in general to do any other acts or things necessary, convenient and proper to be done for the purpose of its incorporation.

**Sec. 6. Abutting owner may enter sewer.** Said District at all times, after it shall commence receiving pay for the sewerage facilities supplied by it, shall be bound to permit the owners of all premises abutting upon its lines of pipe and conduits, to enter the same with all proper sewerage upon conformity to its rules and regulations, and payment of the prices and rentals established therefor.

**Sec. 7. Procedure if public utilities must be crossed.** In case of any crossing of any public utility, unless consent is given by the company owning or operating such public utility as to place, manner and conditions of the crossing within 30 days after such consent is requested by said District, the Public Utilities Commission shall determine the place, manner and conditions of such crossing; and all work on the property of such public utility shall be done under the supervision and to the satisfaction of such public utility, but at the expense of the District.

**Sec. 8. Board of trustees; how elected; meetings; officers.** All the affairs of said District shall be managed by a board of three trustees, residents therein, who shall be appointed by the municipal officers of the Town of Moscow. They shall hold office as hereinafter provided and until their respective successors are appointed and qualified. Whenever the term of office of a trustee expires, the municipal officers of the Town of Moscow shall appoint a successor to serve the full term of three years and in case of any other vacancy arising from any cause, it shall be filled in like manner for the unexpired term. When any trustee ceases to be a resident of said District, his office as trustee shall be declared vacant. During his term of office, no selectman of said Town of Moscow shall serve as a member of the Board of Trustees of the District.

Within 10 days after acceptance of this act by the voters of the Town of Moscow, the first Board of Trustees shall be appointed, one trustee to serve for one year, one trustee to serve for two years, and one trustee to serve for three years. Thereafter, the terms of the trustees shall be for three years.

As soon as convenient after their appointment, the trustees first appointed shall hold a meeting at some convenient place in the District, to be called by any member thereof, in writing, designating the time and place, and delivered in

hand to the other two members not less than 2 full days before the meeting; provided, however, that they may meet by agreement and waiver without such notice. They shall then organize by the election of a chairman and clerk from their own number, adopt a corporate seal and by-laws, and perform any other acts within the powers delegated to them by law. As necessary, they may appoint agents and other necessary officers, including a superintendent who need not be a resident of the District, who shall serve at the pleasure of the trustees, and whose compensation shall be fixed by said trustees.

The terms of the chairman and clerk shall be for one year or until their respective successor or successors have been appointed and qualified, and the trustees shall hold an annual meeting. They shall choose annually a treasurer, who shall be a resident of the district, who shall serve for a term of one year, fix the treasurer's salary, which shall in no case exceed \$200.00 per year, and fill any vacancies in that office. The treasurer shall furnish a bond, issued in such sum and by such surety company as shall be approved by the trustees, and the expense of securing the bond is to be borne by the District. Members of the Board of Trustees shall be eligible to hold any office under the jurisdiction of the Board of Trustees, but shall not receive compensation therefor, except as trustee, unless authorized by vote of the municipal officers of the Town of Moscow.

The compensation of the trustees shall not exceed \$50.00 each per year, unless otherwise provided by vote of the municipal officers of the Town of Moscow as above provided.

The trustees shall be sworn to the faithful performance of their duties as such, which shall include the duties of any member as clerk or clerk pro tempore. They shall make and publish an annual report, which shall also contain a report of the treasurer.

**Sec. 9. District and town authorized to make contacts.** Said District, through its trustees, is authorized to contact with persons and corporations, including the Town of Moscow, and said Town of Moscow is authorized to contract with it, for the supply of water and sewerage facilities for municipal purposes.

**Sec. 10. Authority to borrow money.** For accomplishing the purposes of this act and for such other expenses as may be necessary for the carrying out of said purposes, said District, through its trustees, without District vote, is authorized to issue its notes and bonds in one series or in separate series from time to time and to refund and to make subsequent renewals of the same in whole or in part to an amount not exceeding the sum of \$20,000.00 outstanding at any one time. Said notes and bonds shall be a legal obligation of said District which is hereby declared to be a quasi-municipal corporation within the meaning of Section 136 of Chapter 53 of the Revised Statutes of 1954 and all the provisions of said section are applicable thereto; shall be a legal investment for savings bank in the State of Maine; and shall be exempt from all present taxes. Each bond or note shall have inscribed on its face the words "Moscow Water District Bond" or "Moscow Water District Note," as the case may be, and shall bear interest at such rates as the trustees shall determine. If said bonds or notes be issued from

time to time, each authorized issue shall constitute a separate loan. Each loan shall be payable at such time or times as the trustees shall determine.

All bonds or notes issued by said District shall bear the district seal, and shall be signed by the treasurer and countersigned by the chairman of the trustees of said District, and if coupon bonds be issued, each coupon shall bear the facsimile signature of the treasurer.

All bonds issued by said District may be issued with or without provisions for calling the same for payment before maturity, and in case of such call provisions, the premium, if there be one, may vary with maturities in any issue.

**Sec. 11. Property tax exempt.** The property of said District shall be exempt from all taxation by the Town of Moscow.

**Sec. 12. Water rates; application of revenue; 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 services used by them, and said rates shall be uniform within the territory supplied by the District, and the water rates shall be subject to the approval of the Public Utilities Commission. Said water and sewer rates shall be so established as to provide revenue for the following purposes:

1. To pay current expenses for operating and maintaining the water system and sewer system.
2. To provide for the payment of the interest on the indebtedness created by the District.
3. To provide each year a sum equal to not less than one per cent nor more than five per cent of the entire indebtedness created by the District, 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 District or invested in such securities as savings banks or fiduciaries or trustees are now or hereafter allowed to hold. Provided, however, that the trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue the bonds of the District so that not less than one per cent of the amount of the bonds so issued shall mature and be retired each year.
4. If any surplus remains at the end of the year, it may be turned into the sinking fund.

**Sec. 13. Existing statutes not affected; rights conferred subject to provisions of law.** 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, except those referred to in Section 10, shall be exercised and performed in accordance with all the applicable provisions of Chapter 44 of the Revised Statutes, of 1954, and all acts amendatory thereof or additional thereto.

**Referendum; effective date, certificate to Secretary of State.** This act shall take effect ninety days after the adjournment of the Legislature, only for the pur-

pose of permitting its submission to the legal voters of the District at a special election or elections called and held for the purpose. Said elections shall be called by the municipal officers of the Town of Moscow and shall be held at the regular voting place in the town; the dates of said elections shall be determined by said municipal officers but the first such election shall not be later than the 1st day of November, 1956. Said special elections shall be held, advertised and conducted according to the law relating to municipal elections; provided, however, that the municipal officers shall not be required to prepare for posting, nor the town clerk to post, a new list of voters; and for the purpose of registration of voters, the municipal officers shall be in session for two hours preceding such election. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Moscow Water District, as passed by the 97th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the word "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 such election; but only if the total number of votes cast for and against acceptance of this act in said special election equals or exceeds twenty per cent of the total number of voters eligible to vote in said election; but failure of approval by the necessary percentage of voters shall not prevent subsequent elections.

The result of such elections shall be declared by the municipal officers of the Town of Moscow and due certificates thereof filed by the town clerk with the Secretary of State.