

MAINE STATE LEGISLATURE

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

Legislative Document

No. 442

H. P. 325

House of Representatives, February 5, 1957.

Referred to the Committee on Public Utilities. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mrs. Mann of Paris.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

**AN ACT in Relation to the Paris Village Corporation and Establishing a
Municipal Water System for said Corporation.**

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

Sec. 1. Municipal water system established. The Paris Village Corporation, created and duly organized by law, in the Town of Paris and County of Oxford, in addition to the powers already granted to it, is hereby authorized and empowered to install a municipal water system for the purpose of supplying the Paris Village Corporation, the inhabitants of said Village Corporation and the inhabitants of the Town of Paris with pure water for domestic, industrial, manufacturing, sanitary and municipal purposes, including the extinguishment of fires, and all other purposes for which said Corporation may need water.

Sec. 2. Source of supply. For the purpose of carrying out the provisions of this act, said Paris Village Corporation may detain, collect, store, use and distribute water from the deep wells situated on Crocker Hill in said Paris Village Corporation and from springs situated in the said Paris Village Corporation, may enter upon any lands in said Paris Village Corporation and in the Town of Paris for the purpose of making surveys for its pipe lines or works, and may take and hold, by purchase or otherwise, any land or real estate necessary for erecting dams, power, reservoirs or for preserving the purity of the water in the said water shed, and for laying and maintaining aqueducts and pipes for taking, discharging, conveying and disposing of said water.

Sec. 3. Damages, how assessed. Said Village Corporation shall be liable for all damages that shall be sustained by any person or corporation in their property by the taking of any land whatsoever, or by water, or by flowage, or by excavating through any land for the purpose of laying pipes, building dams

or constructing reservoirs. If any person or corporation sustaining damages as aforesaid and said Village Corporation shall not mutually agree upon the sum to be paid therefor, such person or corporation may cause his or its damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are or may be prescribed in the case of damages in the laying out of highways.

Sec. 4. Laying pipes, etc. Said Village Corporation is hereby authorized to lay in and through the streets and highways of the Paris Village Corporation and the Town of Paris, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects herein set forth, and when said Village Corporation shall lay any pipes or aqueducts, or dig up any of said streets, it shall be done with as little obstruction as possible and it shall, without unnecessary delay, cause the earth to be replaced in as good condition as possible, all digging in said streets as above set forth to be under the supervision of the Selectmen of the Town of Paris.

Sec. 5. Penalties for corrupting water or damaging property. Whoever shall knowingly or maliciously corrupt the water supply of said Village Corporation, whether frozen or not, or whoever shall wilfully and maliciously destroy any of the property of the said Paris Village Corporation shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding 2 years.

Sec. 6. Authority to borrow money. Said Village Corporation, for the purpose of carrying into full effect the provisions of this act in the establishing, constructing, furnishing, equipping and fully maintaining the water system herein contemplated, and for purchasing so much of the present Paris Hill Water Company as is hereinafter mentioned in this act, may at any legal meeting of the said Village Corporation called for that purpose, raise money and issue in interest-bearing negotiable bonds or notes, in such denomination and on such terms and rate of interest as may be determined at such meeting to an amount necessary for said purpose, which taken in connection with any other indebtedness of the said Village Corporation shall not exceed 10% of the last regular valuation thereof. Said bonds shall be signed by the assessors and treasurer of said Village Corporation, but the coupons need be signed only by the facsimile signature of the Treasurer printed thereon.

Sec. 7. Care and management; commission. The care and management of said water system and the regulation of prices and charges for water supplied as herein contemplated shall be under the control of the assessors of the said Village Corporation; or, if the Village Corporation at any time shall so vote, said duties shall be placed in the hands of a commission of 3 legal voters of said Village Corporation, one to be chosen for one year, one for 2 years and one for 3 years, and after being first so chosen, one shall be annually chosen for a 3-year term. In case of a vacancy on said board or commission, the assessors shall fill the same by appointment until the next annual meeting of said Village Corporation.

Sec. 8. Purchase of Paris Hill Water Company. Said Paris Village Corporation shall be further required to purchase, at a fair cash value from the Paris Hill Water Company, after this act shall have been legally accepted, all

the pipes laid in the ground, hydrants set, and the entire plant of the Paris Hill Water Company within the limits of the said Paris Village Corporation and the Town of Paris; provided said Paris Hill Water Company desires to dispose of the same, and will deliver the same free of all encumbrances, and shall cease to sell water within the said Paris Village Corporation and the said Town of Paris.

Sec. 9. Water rates; application of revenue; sinking fund. Water rates shall be uniform within the Corporation and shall be subject to approval of the Public Utilities Commission. Said rates shall be so established as to provide revenue for following purposes:

1. To pay current expenses for operating and maintaining the water system and provide for such extensions and renewals as may become necessary.
2. To provide for the payment of the interest on the indebtedness created by the Corporation.
3. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the Corporation, 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 Corporation or invested in such securities as savings banks are allowed to hold. Provided, however, that the trustees may, in their discretion, and in lieu of the establishment of sinking fund, issue bonds of the district so that not less than 1% 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 calendar year, it may be transferred to the sinking fund or used for such other purposes of the Corporation as the Trustees may determine.

Sec. 10. Exempt from taxation. The property of said Paris Village Corporation water system, wherever located, shall be exempt from taxation.

Sec. 11. Procedure in case of failure to agree on purchase price. In event of the failure of the parties to agree upon a purchase price therefor, such price shall be fixed by arbitration and appraisers shall be appointed upon petition filed by the Paris Village Corporation in the clerk's office of the Supreme Judicial Court for the county of Oxford in term time or vacation, and addressed to any Justice of such Court. Said Justice, after due notice to Paris Hill Water Company and to the Paris Village Corporation, and after hearing, shall appoint 3 disinterested appraisers for the purpose of fixing a fair purchase price for the said facilities and properties of said Paris Hill Water Company. The fair purchase price fixed by such appraisers or by a majority of them and certified to the Paris Village Corporation and to the Paris Hill Water Company shall be final and binding upon both parties and shall be carried out within 60 days after said award is made. The cost of making this appraisal of property as herein set forth shall be divided equally between the Paris Village Corporation and the Paris Hill Water Company. On payment of the amount so fixed by said appraisers to the Paris Hill Water Company by the said Paris Village Corporation, the said Paris Hill Water Company shall deliver to the said Paris Village Corporation a good and sufficient conveyance of said property, free of all liens, mortgages and incumbrances.

Sec. 12. Separability of provisions. If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Referendum; effective date; certificate to Secretary of State. This act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Paris Village Corporation at the next annual meeting to be held on the first Tuesday of August, 1957, an appropriate article being inserted in the call for such meeting, or at a special meeting called and held for the purpose within 1 year after the effective date of this act. Such meeting shall be called, advertised and conducted according to the charter of the Paris Village Corporation and the clerk of said Corporation shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act in Relation to the Paris Village Corporation and Establishing a Municipal Water System for said Corporation, passed by the 98th 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 voters voting at said meeting and the filing of the certificate of the result of the vote with the Secretary of State; but only if the total number of votes cast for and against the acceptance of this act at said meeting equaled or exceeded 20% of the number of names on the list of voters of said Paris Village Corporation.

The result of the vote shall be declared by the assessors of the corporation and a certificate thereof shall be filed by the clerk of the corporation with the Secretary of State.