

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
101ST LEGISLATURE

COMMITTEE AMENDMENT "A" to S. P. 165, L. D. 441, Bill, "An Act to  
Incorporate the Calais Water District."

Amend said Bill in the 5th line of section 1 by inserting  
after the word "district" the following words 'and persons and  
corporations without said district'

Further amend said Bill by striking out in the 6th line  
of section 2 the words "within said district"

Further amend said Bill by adding at the end of section 4  
a new paragraph to read as follows:

'This section shall not apply to the exercise of eminent  
domain pursuant to sections 12 and 13.'

Further amend said Bill in the 11th line of section 7 by  
striking out the words and punctuation "that act," and inserting in  
place thereof the following words and punctuation 'this act,  
including obligations to pay created pursuant to sections 12 and 13,  
and'

Further amend said Bill by striking out all of the 9th and  
10th lines of section 11 and inserting in place thereof the following:  
'and to distribute, sell and to contract for the sale and distribution  
of water to persons and corporations in Milltown, New Brunswick.'

Further amend said Bill by striking out in the 4th line of  
section 12 the words "the part or"; and by inserting after the  
word "Company" and before the period in the 10th line the words  
and punctuation ', wherever located and whether the same or any part

*(Filing # S-146)*

thereof be located within said district or in Canada or in another part of the State of Maine'; and by adding at the end of section 12 the following:

'Anything in this act to the contrary notwithstanding, said water district is authorized and empowered, by the exercise of the right of eminent domain, only to take all of the plant, properties, franchises, right and privileges, except cash assets and accounts receivable, owned by said company and located in the State of Maine, and not less than all thereof; and moreover said water district shall concurrently with any exercise of such right of eminent domain agree to purchase all the plant, properties, franchises, right and the privileges, except cash assets and accounts receivable, owned by said company and located otherwise than in the State of Maine. If the parties are unable to agree upon a purchase price, for the properties so located otherwise, the court hearing the petition filed pursuant to section 13 shall determine what all said properties located otherwise than in the State of Maine are fairly and equitably worth in accordance with the procedures set forth in section 13; and all procedures set forth in section 13, including the appointment of 3 appraisers to determine said worth and the right of report and appeal, shall apply.

Said district is moreover expressly authorized to purchase and hold all or any part of the common capital stock of said company or any other corporation organized for the purpose of holding and operating water properties within or without the State of Maine.'

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Further amend said Bill by striking out all of the 11th, 12th and 13th lines of section 13 and inserting in place thereof the following:

'said Calais Water & Power Company and any mortgagee, shall, within 30 days after hearing on said petition, appoint 3 disinterested appraisers, one of whom'

Further amend said Bill by striking out the words "an itemized" in the 3rd line from the end of the first paragraph of section 13 and inserting in place thereof the words 'a reasonable'; and by adding at the end of the first paragraph of section 13 the following sentence:

'The reasonable expenses paid or incurred by said company in producing such books and papers and in filing such matter in the clerk's office as hereinbefore enumerated shall be borne by said water district.'

Further amend said Bill by striking out all of the first sentence of the 3rd paragraph of section 13 and inserting in place thereof the following sentence:

'The appraisers so appointed shall, after notice and hearing, fix the valuation of all of the plant, properties, franchises, and rights and privileges, other than cash assets and accounts receivable, of said company, including such of same as are located otherwise than in the State of Maine if the parties are unable to agree upon the purchase price therefor, pursuant to section 12, at what they are fairly and equitably worth, so that said company shall receive just compensation for all of the same; and, in case there is any severance of any of the properties of the company, wherever located, said appraisers shall

*(Filing # 8-146)*

Further amend said Bill in the 7th line of the 3rd paragraph of section 13 by inserting after the word "interest" the words 'at the rate of 6% per year'; and by inserting after the words "water district" in the 8th and 9th lines the punctuation and words ', and all expenses accruing thereafter shall be charged against said water district'

Further amend said Bill in the 18th line of the 3rd paragraph of section 13 by striking out the word "may" and inserting in place thereof the following words and punctuation 'shall, on motion of either party,'

Further amend said Bill by striking out all of the first 2 lines of the last paragraph of section 13 and inserting in place thereof the following:

'Upon confirmation of said report, which may be modified by the court so sitting, and confirmed as so modified, the court so sitting shall thereupon, after hearing, make final decree upon the entire'

Further amend said Bill by striking out all of the 2nd, 3rd, 4th, 5th and 6th sentences of the last paragraph of section 13 and inserting in place thereof the following:

'Except as otherwise provided by this act, the procedure before the court and justice thereof shall be as in civil actions, and report and appeal to the law court shall likewise be as in civil actions.'

Further amend said Bill by striking out in the 6th line of section 15 the word "waived" and inserting in place thereof the word 'incurred'

*(Filing # 146)*

Further amend said Bill by striking out in the 29th line of the last paragraph of section 13 the words "the amount so determined" and inserting in place thereof the word 'judgment'

Reported by Committee on PUBLIC UTILITIES

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