

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
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ties by the district under Private and Special Law 1951, chapter 53, section 4, as amended by this Act;

3. Any issue with respect to the severance or realignment of facilities rated 50 kilovolts or below resulting from any acquisition of facilities by the district from the public utility; and

4. Any disagreement or dispute regarding the use of poles and related issues during any transfer of property resulting from the acquisition of facilities by the district from the public utility.

In the event that there is a disagreement or dispute between the district and the public utility as to the valuation of facilities, the Public Utilities Commission shall obtain an independent appraisal of the value of the facilities from a person with expertise in the appraisal of electric utility properties. The district and the public utility shall jointly select the person to conduct the appraisal or, agreement failing, the Public Utilities Commission shall make the selection. The party seeking to purchase the franchise and facilities of the other party shall pay the cost of the appraisal.

Sec. 5. Referendum; effective date. This Act takes effect only for the purpose of permitting its submission to the legal voters within the Town of Kennebunk at an election called for that purpose and held by December 31, 2009. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For purposes of registration of voters, the registrar of voters must be in session the secular day next preceding the election. The subject matter of this Act is reduced to the following question:

“Do you favor allowing Kennebunk Light and Power District to provide retail electric service throughout the entire Town of Kennebunk if the district arranges the purchase of Central Maine Power Company’s facilities within the town?”

The voters shall indicate by a cross or check mark placed against the word “Yes” or “No” their opinion of the same.

The results must be declared by the municipal officers of the Town of Kennebunk and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, as long as the referenda are held prior to December 31, 2009.

Sec. 6. Legislative intent. It is the intent of the Legislature that this Act may not be cited as legislative precedent supporting the enactment of other

legislation affecting the service area of any public utility other than the Kennebunk Light and Power District.

Sec. 7. Effective date. This Act takes effect upon passage of the referendum notwithstanding the Maine Revised Statutes, Title 35-A, section 2102, 2105 or 2110 and Private and Special Law 1951, chapter 53, section 19.

Effective pending referendum.

CHAPTER 36

H.P. 1425 - L.D. 2041

An Act To Decrease Energy Costs on Swans Island and Frenchboro

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

Sec. 1. Swans Island Electric Cooperative, Inc.; authority to sell power under certain circumstances. Notwithstanding the Maine Revised Statutes, Title 35-A, section 3207, subsection 1, paragraph B, the Swans Island Electric Cooperative, Inc., a consumer-owned transmission and distribution utility serving Swans Island and the Town of Frenchboro, may sell wholesale generation service in order to reduce its cost of providing retail service as long as the total power production capacity of the generation resources producing such service does not exceed 3 megawatts. The governing body of the cooperative may not construct or acquire any generation resource to be used in the sale of wholesale generation service unless it has obtained the approval of the members of the cooperative by a majority vote in a referendum conducted in accordance with this section. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the service territory of the cooperative if the usual voting place for persons who are members of the cooperative is outside the service territory of the cooperative. The results must be declared by the governing body of the cooperative and entered in the cooperative’s records. Due certificate of the results must be filed with the Secretary of State. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the cooperative.

See title page for effective date.
