

# **MAINE STATE LEGISLATURE**

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**REVISED STATUTES  
OF THE  
STATE OF MAINE**

**1954**

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**1955 SUPPLEMENT**

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**ANNOTATED**

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**IN FIVE VOLUMES**

**VOLUME 2**

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**Place in Pocket of Corresponding  
Volume of Main Set**

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**THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1955**

safety and the safety of the employees of said company are being protected. If the commission shall find as a result of its investigation that any part of the engineering design does not conform to the minimum standards of the American standard code of pressure piping, promulgated by the American standards association of New York, or that the condition of any part of the equipment or the manner of operation thereof, are such that they are dangerous to the public safety or the safety of the employees, it shall make such order as may be necessary to remedy same and shall furnish a copy of such order to the company. (1955, c. 127, § 3.)

**Sec. 12. Submission of map to commission.**—Any such company, as soon as it has definitely established a route, but in any event not less than 30 days before the commencement of actual construction or installation, shall submit to the public utilities commission and to the governing body of each municipality through which it is proposed that such route shall pass, for their information, a map approved as to form by the public utilities commission, clearly setting forth the proposed route to be followed. (1955, c. 127, § 3.)

**Sec. 13. Compliance with orders.**—Any corporation subject to this chapter shall comply immediately with any proper order of the public utilities commission and any company failing to comply with any such order shall be fined not more than \$1,000 for each offense and shall reimburse any person whose property is damaged as a result of such failure for the amount of such property damage and shall be liable in double damages for any injury resulting to any person from such failure. (1955, c. 127, § 3.)

**Sec. 14. Interstate and foreign commerce not affected.**—No provision of this chapter or of any order or regulation thereunder shall apply to or be construed to apply to interstate or foreign commerce, except so far as such provision may be effective pursuant to the constitution of the United States under the laws of the United States enacted thereunder. (1955, c. 127, § 3.)

## Chapter 52.

### Aqueducts and Water Companies. Right of Eminent Domain.

#### Condemnation Proceedings by Water Districts.

**Sec. 23. Necessity of taking determined.**—The owner of property which is the subject of appropriation for public purposes by any water district may, upon hearing, have the necessity of the particular appropriation determined by the public utilities commission. (R. S. c. 48, § 23. 1955, c. 258, § 1.)

**Effect of amendment.**—The 1955 amendment added the words "by the public utilities commission" at the end of this section.

**Sec. 24. Proceedings.**—The owner of such property may, within 30 days after the beginning of condemnation proceedings, file in the office of the clerk of the public utilities commission, a petition to the commission for a decision as to the necessity of the appropriation. A copy of the petition and order of notice thereon, attested by the clerk, shall be served upon the respondent. (R. S. c. 48, § 24. 1955, c. 258, § 2.)

**Effect of amendment.**—The 1955 amendment rewrote this section, which formerly provided for a petition to the superior court and for the appointment by a justice

of the superior court of three disinterested commissioners to determine the necessity of the appropriation.

**Sec. 25. Proceedings before commissioners.**—The commissioners shall

fix a time for hearing, within the county where the property is situated, and give written notice thereof to the owner and to the district seeking to acquire said property. At the hearing all parties in interest shall be heard either in person or by attorney, and witnesses may be summoned by either party and attendance compelled as before other judicial tribunals; the burden of proof to show the necessity of the particular taking shall rest upon the party seeking to acquire the property. The decision of a majority of the commissioners shall be final as to questions of fact. (R. S. c. 48, § 25. 1955, c. 258, § 3.)

**Effect of amendment.**—The 1955 amendment inserted the words “within the county where the property is situated” near the beginning of the section and deleted the former last sentence, which related to costs.

## Chapter 52-A.

### Peaceful Uses of Atomic Energy.

**Sec. 1. Declaration of policy.**—The state of Maine endorses the action of the congress of the United States in enacting the atomic energy act of 1954 to institute a program to encourage the widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public; and therefore declares the policy of the state to be:

- I. To cooperate actively in the program thus instituted; and
- II. To the extent that the regulation of special nuclear materials and by-product materials, of production facilities and utilization facilities, and of persons operating such facilities may be within the jurisdiction of the state, to provide for the exercise of the state's regulatory authority so as to conform, as nearly as may be, to the atomic energy act of 1954 and regulations issued thereunder, to the end that there may, in effect, be a single harmonious system of regulation within the state.

The state of Maine recognizes that the development of industries producing or utilizing atomic energy may result in new conditions calling for changes in the laws of the state and in regulations issued thereunder with respect to health and safety, working conditions, workmen's compensation, transportation, public utilities, life, health, accident, fire and casualty insurance, the conservation of natural resources, including wildlife, and the protection of streams, rivers and airspace from pollution, and therefore declares the policy of the state to be:

- I. To adapt its laws and regulations to meet the new conditions in ways that will encourage the healthy development of industries producing or utilizing atomic energy while at the same time protecting the public interest; and
- II. To initiate continuing studies of the need for changes in the relevant laws and regulations of the state by the respective departments and agencies of the state which are responsible for their administration; and
- III. To insure the coordination of the studies thus undertaken, particularly with other atomic industrial development activities of the state and with the development and regulatory activities of other states and of the government of the United States. (1955, c. 105, § 1.)

**Sec. 2. Definitions.**—As used in this chapter, the term “atomic energy” means all forms of energy released in the course of nuclear fission or nuclear transformation.

The term “by-product material” means any radioactive materials, except special nuclear materials, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear materials.

The term “production facility” means any equipment or device capable of the