

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

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

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

safety of the transportation and distribution of natural gas within the state. (1955, c. 127, § 3.)

Sec. 10. Application of chapter 44.—Any corporation as described in section 2 shall be subject to all the provisions of chapter 44 so far as applicable, and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapter. (1955, c. 127, § 3.)

Sec. 11. Submission of plans to commission.—Not less than 30 days before the solicitation of bids for construction or installation or, if bids are not to be solicited, not less than 30 days before actual construction or installation, any such corporation shall submit to the public utilities commission information concerning the engineering design of its pipe line and the standards of construction which it proposes to follow and any other such information as the commission may deem necessary, so that it may determine whether the public 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.

Aqueducts and Water Companies.

Sec. 5. Powers of proprietors; manner of voting.—The proprietors have one vote for each share and may vote by proxy. For the breach of their by-laws they may impose penalties not exceeding \$30 for each offense; may purchase and hold real estate necessary for their purpose not exceeding \$30,000 in

value; and with the written consent of the municipal officers they, or any person, may dig up or open any road for the purpose of laying their pipes or repairing or extending their aqueduct; but not so as to prevent the convenient passage of teams, carriages and motor vehicles. (R. S. c. 48, § 5. 1957, c. 397, § 33.)

Effect of amendment.—The 1957 vehicles” at the end of the section and amendment added the words “and motor made other minor changes.

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, source materials and by-product materials, of production facilities and utilization facilities, and of other forms of radiation, and of persons operating such facilities may be within the jurisdiction of the state, to provide for the exercise of the