

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1580

Proposed by Senator Philbrick of Penobscot and printed pursuant to Senate Rule No. 11A.

In Senate, June 3, 1963

Chester T. Winslow, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

SENATE AMENDMENT to S. P. 301, L. D. 874, Bill, "An Act to Create the Maine Power Authority."

Amend said Bill by striking out all of the 2nd paragraph of section 3 and inserting in place thereof the following:

"The Maine Power Authority shall consist of 5 members, each of whom shall at all times be a citizen of the State of Maine. Two members shall be residents of the first Congressional District and 3 members shall be residents of the 2nd Congressional District. Any member who shall cease to reside within the Congressional District from which he is appointed shall thereupon be disqualified from holding office as a member of the authority. The members of the authority shall be appointed by the Governor by and with the advice and consent of the Council, and shall at all times include persons with extensive experience, one in the operation of a public utility, one in the field of engineering, and one in the field of finance. The members of the authority first appointed shall serve for terms expiring on July 1, 1964, July 1, 1965, July 1, 1966, July 1, 1967 and July 1, 1968, respectively, the terms of each such member to be designated by the Governor. Unless disqualified or removed, each of said members shall serve until his successor shall be appointed and qualified, and each such successor shall be appointed by the Governor by and with the advice and consent of the Council for a term of 5 years and until his successor shall be appointed and qualified.

Any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and any member of the authority shall be eligible for re-appointment. Any member of the authority may be removed by the Governor with the consent of the Council for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon his duties shall

take and subscribe the oath or affirmation required by Article IX, Section 1 of the Constitution of the State of Maine. A record of each such oath shall be filed in the office of the Secretary of State.'

Further amend said Bill by striking out all of paragraph (b) of section 4 and inserting in place thereof the following:

'(b) The word "project" or the words "power project" shall mean the project constructed by the authority under the provisions of this act for beneficially controlling the flow and utilizing the water resources of the Saint John River and its tributaries, consisting of 2 developments, the Cross Rock Development located principally in the Counties of Aroostook and Piscataquis, State of Maine, and the International Development in the Province of Quebec, Canada, adjacent to and northwest of the Cross Rock Development, which will also utilize water resources in the Province of Quebec, including all dams, reservoirs, aqueducts, canals, locks, ditches, flumes, culverts, tunnels, penstocks, pipes and pipelines, mains, bridges, roads, powerhouses, turbines, generators, substations, switching stations, high voltage, not less than 115,000 volts, transmission lines wherever located, plant facilities, and all other buildings, structures and facilities which the authority may acquire under this act for, or for use in the operation of such project, together with all lands, property, rights, rights of way, franchises, easements and interests in lands which may be acquired by the authority for the construction or operation of the project.'

Further amend said Bill in paragraph (i) of section 5 by inserting at the end before the semi-colon the following: 'or any of the capital stock of any such corporation or public utility or any property now owned by any such corporation or public utility and essential for its operation or any existing rights relating to the flow of water from Chamberlain and Telos Lakes.'

Further amend said Bill by striking out all of the 2nd paragraph of section 10 and inserting in place thereof the following:

'Beginning in the calendar year following the commencement of generation and sale of energy from the project, the authority shall pay or cause to be paid on or before the first day of April of each year one mill per KWH of energy sold and delivered during the preceeding calendar year, but not exceeding \$2,000,000 to the Treasurer of State of Maine. A total of 30% of such sum shall be paid over to the Departments of Inland Fisheries and Game, Forestry and the Maine State Park and Recreation Commission in such amount as determined by the Legislature from time to time for the continued development of recreation, fish and wildlife management and forestry management within the watershed areas serving the Cross Rock Development. The balance of 70% of such sum shall be paid over to the General Fund of the State of Maine.'

Further amend said Bill in section 18 by adding at the end the following new paragraphs:

'When all bonds issued under the provisions of this act and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to be maturity thereof shall have been set aside in trust for the benefit of the bondholders, the project shall become the property of the

State of Maine and shall thereafter be maintained and operated by such department or agency as may be provided by law, and thereupon the authority shall be dissolved and all funds of the authority not required for the payment of the bonds and of the interest thereon shall be paid to the Treasurer of State.

The authority shall provide in any lease or in any management, operation or power contract entered into pursuant to the authority granted by section 5 of this act that the lessee, manager, operator or power purchaser, as the case may be, shall offer and shall keep available through recapture clauses or otherwise a reasonable portion of the power capacity and reasonable portion of the power output of the project for sale within the State of Maine, giving due regard to any restrictions on such sales as may be imposed by federal and international agencies in their grants of permits, licenses and other approvals required for the construction and operation of the project.'