

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. 1585

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

CHESTER T. WINSLOW, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

Senate Amendment "B" to S. P. 301, L. D. 874, Bill, "An Act to Create the Maine Power Authority."

Amend said Bill in section 1 by inserting before the words "Saint John River" in the 2nd and 3rd lines, the word 'upper' and inserting after the words "Saint John River" the words 'and its tributaries'

Further amend said Bill in section 3 by striking out in the last 2 lines of the first paragraph the words "an essential government function" and inserting in place thereof the words 'a proper state function'

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

'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 with the advice and consent of the Council. 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 term 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 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 the Constitution of Maine, Article IX, Section 1. A record of each such oath shall be filed in the office of the Secretary of State.'

Further amend said Bill in section 4, subsection (b), by inserting after the words "water resources" in the 4th line the words 'for maximum development'; and by inserting before the words "Saint John" in the 4th line, the word 'upper'; and by striking out in the 5th, 6th, 7th, 8th, 9th, 10th and 11th lines the words and punctuation "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" and inserting in place thereof the words 'with the main dam to be constructed below the confluence of the Allagash and St. John Rivers; and by striking out in the 15th line the punctuation, words and figure, "not less than 115,000 volts," and inserting in place thereof the punctuation, words and figure '(not less than 115,000 volts); and by inserting in the 17th line after the word "facilities" the words 'including recreational facilities'; and by striking out in the 17th and 18th lines the words "deem necessary for or useful in the operation of such project" and inserting in place thereof the words and punctuation 'acquire or construct under this act for, or for use in the operation of, such project'

Further amend said Bill in section 5, subsection (i), by adding at the end, before the semi-colon, the words '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 in section 8 by adding at the end of the first sentence, before the period, the words and punctuation '; provided, however, that before the issuance of any revenue bonds for paying the cost of the project provision shall be made by power sales contracts or otherwise which in the judgment of the authority will be adequate to assure that the authority will have revenues sufficient

- (a) to pay the cost of maintaining, repairing and operating such project,
- (b) to pay the principal of and the interest on such bonds as the same shall become due and payable,
- (c) to create and maintain reserves for such purposes, and
- (d) to make the annual payments to the Treasurer of State which are required by this act'

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

'Beginning in the calendar year following the placing in operation of the

project or any portion thereof for which bonds shall be issued under the provisions of this act, and in each succeeding calendar year thereafter, the authority shall pay or cause to be paid on or before the first day of April to the Treasurer of State a sum equal to one mill per kilowatt hour, but not exceeding the sum of \$2,000,000. Such payments shall be determined on the basis of the energy sold and delivered by the authority during the preceding calendar year.

Thirty percentum of the amount so paid shall be allocated to the Department of Inland Fisheries and Game, Forestry Department and the Maine State Park and Recreation Commission in such amount as may be determined by the Legislature from time to time for the continued development of recreation, fish and wildlife management and forestry protection within the watershed areas of the project. The balance of the amount so paid shall be credited to the General Fund of the State of Maine.'

Further amend said Bill in section 18 by adding at the end, the following 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 the 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 into the Treasury of the State.

The authority shall provide in any lease or in any management, operation or power sale contract entered into pursuant to the authority granted by 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 energy 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.'