

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 673

S. P. 214

In Senate, January 27, 1965

Referred to the Committee on Public Utilities, sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Casey of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Permit Eastern Maine Electric Cooperative to Build Hydroelectric Plant on Mattawamkeag River.

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

Sec. 1. Eastern Maine Electric Cooperative power project on Mattawamkeag River. The Eastern Maine Electric Cooperative, organized and existing under the Revised Statutes of 1964, Title 35, is hereby authorized and empowered to acquire, hold, lease and dispose of real and personal property in the State of Maine in order to control the flow and utilize the water resources of the Mattawamkeag River and its tributaries, including acquiring, building, holding, leasing and disposing of dams, reservoirs, aqueducts, canals, locks, ditches, flumes, culverts, tunnels, penstocks, pipes and pipelines, mains, bridges, roads, powerhouses, turbines, generators, substations, switching stations, transmission and distribution lines, plant facilities, and all other buildings, structures and facilities it may deem necessary for or useful 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. It shall have no power to acquire by purchase, by condemnation or by the exercise of the power of eminent domain or otherwise any corporation or public utility engaged in the transmission, distribution and sale of electric energy.

Sec. 2. Acquisition of property; eminent domain. Said cooperative is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, such lands, structures, property, rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water

and riparian rights, which are located, as it may deem necessary or convenient for the construction or operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the State, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to said cooperative at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the State may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes hereof, including public roads and other real property already devoted to public use.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, said cooperative is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, structures, property, rights, flowage rights, rights-of-way, franchises, easements and other interests in lands, including public lands, highways or parts thereof or rights therein, of any person, copartnership, association, corporation, municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in accordance with the Revised Statutes of 1964, Title 35, sections 3242 to 3252.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the cooperative may proceed to obtain possession in any manner now or hereafter provided by law; provided, however, that when a parcel of private property so taken is used in whole or in part for residential purposes, the owner or owners of said parcel may, within 30 days of the date of notice to vacate such parcel, appeal to the cooperative for a postponement of the date set for vacating, whereupon the cooperative shall grant to the owner or owners of the property a postponement of 3 months from the date upon which such appeal was mailed. Any such appeal for postponement shall be in the form of a written request sent by registered mail, return receipt requested.

Sec. 3. Incidental powers. Said cooperative shall have power to vacate or relocate any public highway affected by the construction of the project in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by it as a part of the cost of the project.

In addition to the foregoing power, the cooperative and its authorized agents and employees may enter upon any lands, waters and premises for the purpose of making studies, surveys, soundings, drillings and examinations as they may

deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The cooperative shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

The State of Maine hereby consents to the use by the authority without the payment of compensation therefor of all lands owned by it, including lands lying under water, which are deemed by the authority to be necessary for the construction or operation of the project.