

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1669

H. P. 1168

House of Representatives, May 18, 1967

Reported by Mr. Snow from Committee on Public Utilities. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Grant Public Utilities Commission Control Over Cooperatives.

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

Sec. 1. R. S., T. 35, § 2301, repealed and replaced. Section 2301 of Title 35 of the Revised Statutes, as amended by section 1 of chapter 348 of the public laws of 1965, is repealed and the following enacted in place thereof :

§ 2301. Organization

Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the transmission of television signals by wire, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or 2 or more adjoining cities or towns, within the State, or for either or any of such purposes, may be organized under Title 13, sections 71 to 79. No corporation so organized or person or association or cooperatives organized under chapters 221 to 227 shall have authority, without the consent of the Public Utilities Commission, to furnish its service in or to any city or town in or to which another corporation, person or association or cooperative is furnishing or is authorized to furnish a similar service. No consent from said commission shall be required for a cooperative to render such service as it is rendering on September 1, 1967. Any corporation authorized to make, generate, sell, distribute and supply electricity may sell and distribute electricity to any other corporation similarly authorized.

After September 1, 1967, where a cooperative organized under chapters 221 to 227 and a public utility distributing electrical energy are serving or authorized

to serve the same city, town, plantation or other governmental unit, neither the cooperative nor said utility shall bring electrical service to any new service location unless it shall have notified the other and the Public Utilities Commission, in writing, of the request by the party for such electrical service, where the bringing of such service requires the extension of existing distribution facilities. If, after such notice, the other opposes the bringing of electrical service to said new service location, it shall, within 7 days of the receipt of the notice of proposed service, file objections to the bringing of such electrical service with the Public Utilities Commission sending a copy of said objections to the utility or cooperative, as the case may be, and to the party requesting the electrical service. If objections are filed, the commission shall immediately set the matter down for hearing, and pending the final determination of the right to serve, the commission may order temporary service to be brought to said prospective new service location without prejudice to the rights of any party involved. If, after such notice, either the cooperative or the utility fails to file its objections as aforesaid, it will be conclusively presumed that the cooperative or the utility, as the case may be, has consented to the bringing of such service.

Sec. 2. R. S., T. 35, § 2302, amended. Section 2302 of Title 35 of the Revised Statutes is amended to read as follows:

§ 2302. Consent only after hearing

No consent, authorized in section 2301, and no license, permit or franchise shall be granted to any person, association ~~or~~, corporation **or cooperative** to operate, manage or control any public utility of the kind named in section 2301 in any city or town where there is in operation a public utility engaged in similar service or authorized therefor, until the Public Utilities Commission has made a declaration, after a public hearing of all parties interested, that public convenience and necessity require such second public utility.

Sec. 3. R. S., T. 35, § 2304, amended. The first sentence of section 2304 of Title 35 of the Revised Statutes is amended to read as follows:

Any corporation organized under Title 13, sections 71 to 79, **or cooperative organized under chapters 221 to 227** shall have authority to extend its lines to connect with the feed lines of a corporation generating and selling electricity, and such corporation shall be obliged to furnish electricity if requested to the extent of its reasonable capacity and at reasonable rates, provided the Public Utilities Commission shall so order upon application therefor, after public hearing of all parties interested.

Sec. 4. R. S., T. 35, § 2306, amended. The first paragraph of section 2306 of Title 35 of the Revised Statutes is amended to read as follows:

Corporations organized under section 2301 and corporations chartered by special Acts of the Legislature **or cooperatives organized under chapters 221 to 227** for the purpose of making, generating, selling, distributing and supplying electricity for lighting, heating or other public purposes are authorized and empowered to take, and hold by right of eminent domain such lands and easements as may be necessary for the proper location of their transmission lines which are designed to carry voltages of 5,000 volts or more and of necessary appurtenances

thereto, located within the territory in which said corporations are authorized to do a public utility business, in the same manner and under the same conditions as set forth in chapter 263.

Sec. 5. R. S., T. 35, § 2809, repealed and replaced. Section 2809 of Title 35 of the Revised Statutes, as repealed and replaced by section 2 of chapter 348 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 2809. Cooperatives are public utilities; jurisdiction of Public Utilities Commission

Cooperatives shall be public utilities and subject to chapters 1 to 17, notwithstanding any public or private and special laws to the contrary. Any person who has been refused membership in or service by a cooperative or who is receiving inadequate service may complain to the Public Utilities Commission which may, after hearing, upon finding that such service may reasonably be rendered, order such person to be served with reasonably adequate service. If said commission, after hearing, shall determine that any requirement of membership in a cooperative is unreasonable or unjust, it shall order such requirement repealed or not to be enforced.