

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1311

S. P. 453

In Senate, March 12, 1971

Referred to Committee on Public Utilities. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Shute of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Relating to the Adequacy of Public Utility Service.

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

Sec. 1. R. S., T. 35, § 2301, amended. The 2nd sentence of the first paragraph of section 2301 of Title 35 of the Revised Statutes, as repealed and replaced by section 91 of chapter 544 of the public laws of 1967, is amended to read as follows:

No corporation for either or any of such purposes, whether organized or authorized to do business under this section or by special Act of the Legislature, or any person, association or cooperative 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, association or cooperative is furnishing or is authorized to furnish a similar service **nor may the Public Utilities Commission require such utility to render such a service in said location until such utility obtains either the consent of the commission or an order of the commission requiring it to render such service.**

Sec. 2. R. S., T. 35, § 2302, amended. Section 2302 of Title 35 of the Revised Statutes, as amended by section 2 of chapter 382 of the public laws of 1967, is further amended to read as follows:

§ 2302. Consent only after hearing

No consent or order, authorized in section 2301, and no license, permit or franchise shall be granted to any person, association, 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.

In determining public convenience and necessity the commission shall consider the cost of such service to the consumer.

Sec. 3. R. S., T. 35, § 2303, amended. Section 2303 of Title 35 of the Revised Statutes is amended to read as follows:

§ 2303. Consent only to Maine corporations

No consent or order authorized in section 2301 to operate, manage or control any public utility shall be hereafter granted to a corporation unless such corporation is duly organized under the laws of this State or authorized by such laws to do business in this State.

STATEMENT OF FACT

The purpose of this legislation is to permit the Public Utilities Commission to require service by a public utility within its service area even though there is presently service by another utility.