

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
FIRST SPECIAL SESSION
107TH LEGISLATURE

COMMITTEE AMENDMENT " A " to S.P. 648, L.D. 2058, Bill,
"AN ACT Concerning the Charter of the Orono-Veazie Water
District."

Amend said Bill in section 7 in the 3rd line (same in L.D.)
by inserting after the word "company" the underlined words
'or telephone company'; in the 11th line (same in L.D.) by
inserting after the words "railroad company" the underlined
punctuation and words ', telephone company' and in the 13th
and 14th lines (same in L.D.) by inserting after the word
"railroad" the underlined punctuation and words ', telephone
company'

Further amend said Bill in section 12 by striking out all of
the 2nd paragraph and inserting in place thereof the following:

'If, within 60 days of the date the proposed offer to
purchase is submitted to the Penobscot County Water Company,
the district and the Penobscot County Water Company are unable to
reach agreement as to the amount of just compensation, the
district through its trustees, is authorized and empowered to
take and acquire as for public use the entire plant, property,
franchises, rights and privileges of the Penobscot County Water
Company located in or serving the Towns of Orono, Veazie and
Bradley, except its cash assets and accounts receivable, but
including all lands, waters, water rights, dams, structures,
reservoirs, pipes, machinery, fixtures, hydrants, tools and all

apparatus and appliances owned by said company, whether the record title thereto is or is not in said Penobscot County Water Company and to record in the Penobscot County Registry of Deeds a notice of condemnation and taking which shall be in substantially the following form:

NOTICE OF CONDEMNATION AND TAKING

The Orono-Veazie Water District does hereby give notice to all whom it may concern:

That the Orono-Veazie Water District, in accordance with the authority delegated to it by the provisions of this Act, has determined to and does hereby exercise its right of eminent domain to acquire as for public use the entire plant, property, franchises, rights and privileges of the Penobscot County Water Company located in or serving the Towns of Orono, Veazie and Bradley, except its cash assets and accounts receivable, but including all lands, waters, water rights, dams, structures, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said company, whether the record title thereto is or is not in said Penobscot County Water Company.

This Notice of Condemnation and Taking shall be recorded in the Registry of Deeds of Penobscot County, and a copy shall be sent to the Penobscot County Water Company by registered or certified mail or by personal service as required for service of a summons of a complaint in the

Superior Court. A copy shall be sent to any mortgagees, holders of any tax liens or any other encumbrances of record by certified or registered mail.

ORONO-VEAZIE WATER DISTRICT

BY _____

Its
Duly Authorized

STATE OF MAINE

Date: _____

COUNTY OF PENOBSCOT, SS.

Personally appeared the above named _____ of the Orono-Veazie Water District, and acknowledged the above instrument to be his free act and deed in his said capacity and the free act and deed of the said Orono-Veazie Water District

Before me,

Justice of the Peace
Notary Public'

Further amend said Bill in section 12 by striking out all of the 3rd paragraph from the end and inserting in place thereof the following:

'The court shall appoint 3 referees who shall determine the amount of just compensation. One of the referees so appointed shall be learned in the law. The referees shall prepare a report which includes findings of fact and conclusions of law. The order of reference shall reserve to the parties the right to object to the acceptance of the referees' report on both findings of facts and conclusions of law, except that the court

shall adopt the referees' findings of fact, unless clearly erroneous. The court, after hearing, may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions.'

Further amend said Bill in section 12 by inserting at the end the following new paragraph:

'If a condemnation proceeding is instituted in accordance with this section, the proceeding shall not be discontinued except upon the consent of both parties.'

Further amend said Bill in section 16 by inserting at the end a new paragraph to read:

'In the event the emergency preamble to this Act is not enacted, then and in such event the election as hereinabove set forth shall be called and held on the first Tuesday of November, 1976, in accordance with all of the other provisions of this section.'

Further amend said Bill in section 18 in the 7th line (5th line in L.D.) by striking out all of the date and inserting in place thereof the following: 'November 1, 1977'

Statement of Fact

The purpose of this amendment is to correct errors in the original L.D., to correctly describe the property involved, to allow for referees to make findings if eminent domain is to be exercised, to provide for a situation in which condemnation proceedings are discontinued and to provide for changes in some of the dates involved.

Reported by the Committee on Public Utilities.

**Reproduced and distributed pursuant to Senate Rule 11-A.
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