

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)

FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 651

H. P. 575

House of Representatives, February 4, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Peterson of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Clarifying the Authority of the Caribou Utilities District to Acquire the Caribou Waterworks Corporation.

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

Sec. 1. P&SL 1945, c. 83, § 11, first ¶, first, 3rd and 6th sentences are amended to read:

In case said trustees fail to agree with the Caribou Water Works Corporation its successors or assigns, or the Caribou Sewer Co. its successors or assigns upon the terms of purchase of either of said properties on or before the 1st day of January 1946 1981, said district through its board of trustees aforesaid is hereby authorized to take the plant, property and franchises of either or both of said companies as for public use by separate petition therefor in the manner hereinafter provided.

Said district through its trustees is hereby authorized after January 1, 1946 1981 and before July 1, 1946 1981 to file its petition or petitions if proceedings are necessary against any or all of said companies, in the clerk's office of the superior court for the county of Aroostook in term time or in vacation addressed to any justice of said court, who after due notice to the company or companies interested and their mortgagees shall after hearing and within 30 days after the date at which said petition is returnable, appoint 3 disinterested appraisers, one of whom shall be learned in the law and none of whom shall be residents of Aroostook county, for the purpose of fixing a valuation of said plant, property and franchises.

At such hearing, such justice upon motion of the petitioner, may fix a time at which the said company shall file in the clerk's office of the superior court for the county of Aroostook for the inspection of the petitioner, the following: 1st, schedule showing the names, residences and character of service of all its customers on the 1st day of January 1946 1981, with the rate charged therefor; 2nd, copies of all contracts in force on said 1st day of January 1946 1981; 3rd, an itemized statement of the gross income earned during its last complete fiscal year and up to said 1st day of January, 1946 1981, and all operating expenses and fixed charges, paid or incurred during such period and property chargeable thereto; 4th, a memorandum of all real estate, water rights, or interest therein, owned or controlled on said 1st day of January, 1946 1981, with such brief description thereof as will reasonably identify the same; 5th, brief description, specifications and plans of all reservoirs, mains, pipes, service pipes, hydrants, gates, gate-boxes, shut-off boxes, fixtures and machinery and all physical elements in such water, or sewerage system as the case may be, giving in detail quantities, size, lengths and specifying the street, roads or ways where situated; 6th, an itemized list of all tools, apparatus, appliances and supplies used or usable in maintaining said water or sewerage system as the case may be on said 1st day of January, 1946 1981.

Sec. 2. P&SL 1945, c. 83, § 11, 3rd ¶, 2nd sentence is amended to read:

The 1st day of January, 1946 1981, shall be the date as of which the valuation aforesaid shall be fixed from which date interest on said award shall run, and all rents and profits accruing thereafter shall belong to said district.

Sec. 3. P&SL 1945, c. 83, § 11, 5th ¶, first sentence is amended to read:

Before said plant, property and franchises are transferred in accordance with such final decree and before payment therefor, as hereinbefore provided such justice shall, upon motion of either party, after notice and hearing take account of all receipts and expenditures, properly had or incurred by the company, from and after said 1st day of January 1946 1981, and all net rents and profits accruing thereafter, and shall order the net balance to be added to or deducted from, the amount to be paid under such final decree, as the case may be.

Sec. 4. P&SL 1945, c. 83, § 18 is amended to read:

Sec. 18. Act void unless property of one or both of these companies are acquired. If said utilities district shall fail to purchase or file its petition to take by eminent domain before July 1, 1946 1981, as in this act provided, the plant, property, franchises, rights and privileges owned by the Caribou Water Works Corporation, ~~and/or Caribou Sewer Company and used or usable in supplying water in the town of Caribou, then this act shall become null and void~~ the right to purchase or take by eminent domain shall become null and void.

STATEMENT OF FACT

The purpose of this bill is to renew the authority of the Caribou Utilities District to acquire the local water company. The right to acquire the local system, granted in the district's original charter, lapsed on July 1, 1946.