

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-421)
110TH LEGISLATURE

COMMITTEE AMENDMENT "A" to H.P. 1096, L.D. 1295, Bill,
"AN ACT to Adopt the Maine Municipal and Rural Electrification
Cooperative Agency Act."

Amend the Bill in that part designated "§4102.", sub-§8,
by striking out the last sentence and inserting in its place
the following:

'This subsection does not allow retail sales of power and energy
to consumers or commercial and industrial users, except as other-
wise provided by law;'

Further amend the Bill in that part designated "§4104.",
paragraph A,
subsection 2, by striking out in the last line the underlined word
"and"

Further amend the Bill in that part designated "§4104.",
subsection 2
/ by striking out paragraph B and inserting in its place
the following:

'B. No site for a project for which any utility or person
had filed an application for preliminary permit, a license
or application for exemption from the Federal Energy Reg-
ulatory Commission on or before November 1, 1977, may be
so
/ taken until such time, if ever, that the application is
denied, and no further renewals or appeals are avail-
able to the utility or person, or the utility or person
abandons its application, permit or license; and

C. No property may be so taken, except as may be necessary
for the proper location of transmission or distribution
lines and necessary appurtenances thereto, unless the
property is located within the territory in which a
municipality or cooperative provides service

or within one mile of the territory.'

Further amend the Bill in that part designated "§4303." in the 11th and 12th lines (9th line in the L.D.) by inserting after the underlined words "undetermined or indefinite amount" the following: 'as long as the project has been approved by the commission pursuant to Title 35, section 13-A'

Further amend the Bill by inserting at the end before the statement of fact the following:

'§4307. Severability

If any chapter, section, phrase or provision of this Act, or the application of any of these provisions / to any person, project or circumstances, is adjudged invalid by any court of competent jurisdiction, that judgment shall be confined in its operation to the chapter, section, phrase, provision or application directly involved in the controversy in which the judgment has been rendered and does not affect or impair the validity of the remainder of this chapter or the application of the chapter to other persons, projects or circumstances.'

Statement of Fact

This amendment restricts the general eminent domain power granted by the bill to the service area and any area within one mile of the service area. The original statement of fact

should be corrected to show that municipalities and cooperatives authorized to sell electricity as of January 1, 1981, not 1980, are eligible to contract with the new agency.

Reported by the Committee on Public Utilities.
Reproduced and distributed under the direction of the Clerk
of the House.

5/18/81

(Filing No. H-421)