

MAINE STATE LEGISLATURE

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L.D. 1932

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-715)
110TH LEGISLATURE
SECOND REGULAR SESSION

6 COMMITTEE AMENDMENT "A" to H.P. 1959, L.D. 1932, Bill,
7 "AN ACT to Establish Standard Procedures Enabling the Forma-
8 tion of Municipal Power Districts."

9 Amend the bill in section 2 in that part designated
10 "§2952." by striking out all of the last sentence.

11 Further amend the bill in section 2 in that part desig-
12 nated "§2953." in subsection 1, by striking out all of the
13 first sentence and inserting in its place the following:

14 'The municipal officers of any municipality may, by majority
15 vote, determine that a municipal power district should be
16 established under the terms of this chapter.'

17 Further amend the bill in section 2 in that part desig-
18 nated "§2953." in subsection 2 (page 2, line 21 in L.D.) by
19 striking out the underlined words "Twenty percent" and
20 inserting in their place the underlined words "Ten percent"

21 Further amend the bill in section 2 in that part desig-
22 nated "§2953." in subsection 4 (page 2, line 37 in L.D.) by
23 striking out the underlined word "is" and inserting in its
24 place the underlined words "may be"

25 Further amend the bill in section 2 in that part desig-
26 nated "§2953." in subsection 4 by adding at the end the fol-
27 lowing 2 new sentences to read:

28 'Upon certification of a favorable vote by the municipal
29 officers, the Public Utilities Commission shall approve
30 formation of the district if the commission finds that
31 formation would be in conformance with the requirements of
32 this Title. Upon approval by the commission, the district
33 is created and the commission shall file certification of
34 that approval with the Secretary of State.'

35 Further amend the bill in section 2 in that part desig-
36 nated "2954." by inserting after the first paragraph a new

1 COMMITTEE AMENDMENT "A" to H.P. 1959, L.D. 1932

2 subsection to read:

3 '1. By municipal officers. The municipal officers of
4 each municipality may, by majority vote, determine that a
5 municipal power district should be established under the
6 terms of this chapter. If the municipal officers of every
7 municipality involved make such a determination, they shall
8 call an election under subsection 3.'

9 Further amend the bill in section 2 in that part desig-
10 nated "§2954." in subsection 1 (page 3, line 8 in L.D.) by
11 striking out the underlined number and symbol "20%" and
12 inserting in their place the underlined number and symbol
13 '10%'

14 Further amend the bill in section 2 in that part desig-
15 nated "§2954." in subsection 2, first line (page 3, line 13
16 in L.D.) by striking out the underlined word "Upon" and
17 inserting in its place the underlined words 'After a deter-
18 mination by the municipal officers or upon'

19 Further amend the bill in section 2 in that part desig-
20 nated "§2954." in subsection 3 (page 3, line 25 in L.D.) by
21 striking out the underlined word "is" and inserting in its
22 place the underlined words 'may be'

23 Further amend the bill in section 2 in that part desig-
24 nated "§2954." in subsection 3 by adding at the end 2 new
25 sentences to read:

26 'Upon certification of a favorable vote by the municipal
27 officers, the Public Utilities Commission shall approve
28 formation of the district if the commission finds that
29 formation would be in conformance with the requirements of
30 this Title. Upon approval by the commission, the district is
31 created and the commission shall file certification of that
32 approval with the Secretary of State.'

33 Further amend the bill in section 2 in that part desig-
34 nated "§2954." by renumbering the subsections to read con-
35 secutively.

36 Further amend the bill in section 2 in that part desig-
37 nated "§2959." in subsection 1 (page 7, line 3 in L.D.) by

1 COMMITTEE AMENDMENT "A" to H.P. 1959, L.D. 1932

2 striking out the underlined words "each ratepayer" and
3 inserting in their place the underlined words "each voter of
4 the district'

5 Further amend the bill in section 2 by striking out all
6 of that part designated "§2961." and inserting in its place
7 the following:

8 '§2961. Eminent domain

9 A district may exercise the right of eminent domain
10 under the same conditions and for the same purposes as elec-
11 tric power companies under section 2306. A district may not
12 condemn any generating, transmitting or distribution facil-
13 ity of any existing electric utility system, except ease-
14 ments for rights-of-way for the construction of transmission
15 lines. Title to property acquired shall be taken in the
16 name of the district.'

17 Further amend the bill in section 2 by striking out all
18 of that part designated "§2963." and inserting in its place
19 the following:

20 '§2963. Rate setting

21 Municipal power districts, which are electric companies
22 within the definition of section 15, shall be subject to the
23 suspension, investigation, hearing and rate substitution
24 provisions of section 69 applicable to electric utilities.'

25 Further amend the bill in section 2 by striking out all
26 of that part designated "§2965." and inserting in its place
27 the following:

28 '§2965. Existing service areas

29 No municipal power district may serve as a public util-
30 ity, as defined in section 15, without consent to serve from
31 the commission in accordance with section 2301.'

32 STATEMENT OF FACT

33 This amendment clarifies that the Public Utilities Com-
34 mission's approval is required for the district to serve as

1 COMMITTEE AMENDMENT "A" to H.P. 1959, L.D. 1932

2 a public utility, and specifies that eminent domain powers
3 shall be the same as for electrical companies generally.

4 Upon certification by the municipal voters of a favor-
5 able vote, the commission shall review the proposed dis-
6 trict. If the commission finds that the district meets the
7 requirements of Title 35, chapter 241, the commission shall
8 so certify and the district is created.

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Reported by the Committee on Public Utilities.
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of the House.

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