

MAINE STATE LEGISLATURE

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L.D. 407

2

(Filing No. H-117)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

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HOUSE AMENDMENT "A" to H.P. 348, L.D. 407,
Bill, "AN ACT Creating the Passamaquoddy Water Dis-
trict."

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Amend the bill in section 9 by striking out all
of the 2nd sentence (page 5, lines 43 and 44, and
page 6, lines 1 and 2 in L.D.) and inserting in its
place the following:

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'Additionally, one trustee shall be elected from the
City of Eastport and one trustee shall be elected
from the Town of Perry, following the procedures for
municipal elections; except that, in the event no one
volunteers to run for the office of trustee in either
of these municipalities, the municipal officers shall
appoint a trustee to serve for a normal term.'

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Further amend the bill in section 11, 7th para-
graph, 26th line (page 11, line 8 in L.D.) by insert-
ing after the 2nd sentence a new sentence to read:

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'The rates, fees and charges shall be subject to the
approval of the Public Utilities Commission, as re-
quired by Title 35.'

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Further amend the bill in section 16, subsection
1, 2nd line (page 14, line 42 in L.D.) by inserting
after the word "system" the following 'and to provide
for normal renewals and replacements'

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Further amend the bill in section 16, subsection
3, 2nd line (page 15, line 6 in L.D.) by striking out
the words and figures "1% nor more than 5%" and
inserting in their place the words and figures '2%
nor more than 10%'

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1 Further amend the bill in section 16, subsection
2 3, 15th line (page 15, line 19 in L.D.) by striking
3 out the word "and"

4 Further amend the bill in section 16 by inserting
5 after subsection 3 the following:

6 '4. To provide, in accordance with Title 35,
7 section 3311, up to a 5% addition to yearly revenues
8 over what is required to operate the district to pro-
9 vide for a contingency reserve fund; and

10 Further amend the bill in section 16 by renumber-
11 ing subsection 4 to be subsection 5.

12 Further amend the bill in section 20, in the 4th
13 paragraph, 6th line (page 16, line 32 in L.D.) by
14 inserting after the words "candidates for" the word
15 'Tribal'

16 Further amend the bill in section 20, in the 4th
17 paragraph, 7th line (page 16, line 33 in L.D.) by
18 inserting after the word "previous" the word 'tribal'

19 STATEMENT OF FACT

20 This amendment makes technical changes to conform
21 the bill to the water utility statutes of Title 35.

22 It is noted that section 3 of the bill confers on
23 the district the same rights of eminent domain cur-
24 rently held by the Eastport Water Company. Under its
25 charter, the Eastport Water Company has broad rights
26 of eminent domain in Eastport and Perry. Other than
27 rights of eminent domain conferred on all water
28 utilities under Title 35, Eastport Water Company has
29 no right of eminent domain within the Passamaquoddy
30 Reservation. The Pleasant Point Passamaquoddy Reser-
31 vation Housing Authority, which owns and operates the
32 water system within the reservation, has limited
33 rights of eminent domain within the reservation pur-

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1 suant to Title 30, section 4656.

2 It is also noted that although section 11 of the
3 bill authorizes issuance of "temporary notes" for a
4 period not to exceed 5 years, this does not consti-
5 tute an exception from the requirement of Title 35,
6 section 171, for the Public Utility Commission's
7 approval of any notes with a term exceeding one year.

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Filed by Rep. Vose of Eastport
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