

# MAINE STATE LEGISLATURE

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DATE: April 6

(Filing No. S- 45)

UTILITIES AND ENERGY

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STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 159, L.D. 503, Bill, "An Act to Authorize the Town of Bar Harbor to Acquire the Bar Harbor Water Company"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

Sec. 1. Town authorized to acquire property and franchises of Bar Harbor Water Company. The Town of Bar Harbor, through its municipal officers, may acquire by purchase the Bar Harbor Water Company and the entire plant, properties, franchises, rights and privileges owned by the Bar Harbor Water Company, located within the Town of Bar Harbor, including all lands, waters, water rights, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the town. The town may acquire by the exercise of the right of eminent domain, a right expressly delegated to the town for that purpose, the Bar Harbor Water Company and the entire plant, properties, franchises, rights and privileges, except cash assets and accounts receivable, owned by the Bar Harbor Water Company, including all lands, waters, water rights, dam structures, reservoirs, pipes, machinery, fixtures, hydrants and tools and all apparatus and appliances used or usable in supplying water in the area of the town. Except as otherwise expressly provided in this section and in furtherance of the acquisition of the Bar Harbor Water Company pursuant to this section, the town may also acquire by the exercise of the right of eminent domain any tangible or intangible personal property that represents or constitutes an ownership interest in the company by another person or entity.

COMMITTEE AMENDMENT

2 In exercising the right of eminent domain under this Act the  
3 municipal officers shall file with the town clerk a condemnation  
4 order that includes a detailed description of the property  
5 interest to be taken, the name or names of the owner or owners of  
6 record as far as they can be reasonably determined and the amount  
7 of damages determined by the municipal officers to be just  
8 compensation for the property or interest in the property taken.  
9 The municipal officers shall then serve upon the owner or owners  
10 of record a copy of the condemnation order and a check in the  
11 amount of the damages awarded and record a certified copy of the  
12 condemnation order in the Hancock County Registry of Deeds. In  
13 the event of multiple ownership, the check may be served on any  
14 one of the owners. This title passes to the town upon service of  
15 the condemnation order and check or upon recordation in  
16 accordance with this Act, whichever occurs first. Acceptance and  
17 negotiation of the check do not bar an appeal under this Act.

18  
19 Any person aggrieved by the determination of the damages  
20 awarded to owners of property or interests in the property under  
21 this Act may, within 60 days after service of the condemnation  
22 order and check, appeal to the Superior Court of Hancock County.  
23 The court shall determine damages by a verdict of its jury or, if  
24 all parties agree, by the court without a jury or by a referee or  
25 referees and shall render judgment for just compensation, with  
26 interest when such is due, and for costs in favor of the party  
27 entitled to the costs. Appeal from the decision of the Superior  
28 Court may be made to the Law Court, as in other civil actions.

29  
30 **Sec. 2. Existing laws not affected; rights conferred subject to**  
31 **provisions of law.** Nothing contained in this Act is intended to  
32 repeal or may be construed as repealing the whole or any part of  
33 any existing law, and all the rights and duties mentioned in this  
34 Act must be exercised and performed in accordance with all the  
35 applicable provisions and amendatory acts to the Maine Revised  
36 Statutes, Title 35-A to the extent that Title 35-A and its  
37 amendments affect the operations of the Town of Bar Harbor.'

38  
39 Further amend the bill by inserting at the end before the  
40 summary the following:

41  
42 **FISCAL NOTE**

43  
44 This bill may increase the number of civil suits filed in  
45 the court system. The additional workload and administrative  
46 costs associated with the minimal number of new cases filed can  
47 be absorbed within the budgeted resources of the Judicial  
48 Department. The collection of additional filing fees may also  
increase General Fund revenue by minor amounts.'

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### SUMMARY

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This amendment replaces the bill. This amendment grants authority to the Town of Bar Harbor to acquire by purchase or eminent domain the Bar Harbor Water Company.

8

This amendment also adds a fiscal note to the bill.

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