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Legislative Document

No. 1221

S.P. 422

March 8, 2007

An Act To Amend the Charter of the Kennebunk Light and Power District

Reference to the Committee on Utilities and Energy suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator SULLIVAN of York. Cosponsored by Representative BABBIDGE of Kennebunk and Senators: BARTLETT of Cumberland, HOBBINS of York, Representative: CONNOR of Kennebunk.

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

2 Sec. 1. P&SL 1951, c. 53, §3 is repealed and the following enacted in its place:

3 Sec. 3. Territorial limits. The territorial limits within which the district may sell, distribute and furnish electricity for light, heat and power to individuals, partnerships, 4 5 firms and corporations are the entire territory of the Town of Kennebunk; and the 6 territorial limits of the Kennebunk Light and Power District include those parts of the 7 Town of Lyman, the Town of Wells and the Town of Arundel, formerly known as North 8 Kennebunkport, that the Kennebunk Light and Power District was providing service on 9 November 7, 2006 and may include in addition those portions of the Town of Lyman, the 10 Town of Wells and the Town of Arundel in which at the time no other public utility was furnishing electric service. Extension of service by the district within the Town of 11 Lyman, the Town of Wells and the Town of Arundel after November 7, 2006 is subject to 12 the consent of the Public Utilities Commission in accordance with the Maine Revised 13 14 Statutes, Title 35-A, sections 2102, 2105 and 2110 as amended.

15 Sec. 2. P&SL 1951, c. 53, §4 is amended to read:

16 Sec. 4. Power of sale and purchase. Any The Kennebunk Light and Power District is authorized to acquire by purchase the plants, properties, rights, privileges and 17 18 franchises of any public utility now furnishing electric service to the public within the 19 territorial limits of said the district is hereby authorized to acquire by purchase the plants, 20 properties, rights, privileges and franchises of the Kennebunk Light and Power District 21 and after acquisition shall have, hold, exercise and enjoy in its own name all of said the 22 plants, properties, rights, privileges and franchises as though originally granted to it, and said Kennebunk Light and Power District the public utility is hereby authorized to 23 24 convey its plants, properties, rights, privileges and franchises to such public utility the 25 Kennebunk Light and Power District.

Sec. 3. Resolve disagreement. The Public Utilities Commission is authorized to resolve by hearing and order any disagreement or dispute between the Kennebunk Light and Power District and any public utility as to the valuation of facilities under Private and Special Law 1951, chapter 53, section 4 as amended by this Act and any issue with respect to the severance or realignment of facilities rated 50 kilovolts or below resulting from any acquisition of facilities by Kennebunk Light and Power District from the public utility.

Sec. 4. Referendum; effective date. This Act takes effect only for the purpose 33 of permitting its submission to the legal voters within the Town of Kennebunk at an 34 election called for that purpose and held by December 31, 2008. The election must be 35 called, advertised and conducted according to the law relating to municipal elections, 36 except that the registrar of voters is not required to prepare or the clerk to post a new list 37 38 of voters. For purposes of registration of voters, the registrar of voters must be in session 39 the secular day next preceding the election. The subject matter of this Act is reduced to 40 the following question:

"Do you favor allowing Kennebunk Light and Power District to provide
retail electric service throughout the entire Town of Kennebunk?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

5 The results must be declared by the municipal officers of the Town of Kennebunk 6 and due certificate of the results filed by the clerk with the Secretary of State.

7 This Act takes effect for all purposes immediately upon its approval by a majority of 8 the legal voters voting at the election. Failure to achieve the necessary approval in any 9 referendum does not prohibit subsequent referenda consistent with this section, as long as 10 the referenda are held prior to December 31, 2008.

11 Sec. 5. Effective date. This Act takes effect upon passage of the referendum 12 notwithstanding the Maine Revised Statutes, Title 35-A, section 2102, 2105 or 2110 and 13 Private and Special Law 1951, chapter 53, section 19.

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SUMMARY

15 This bill amends the Kennebunk Light and Power District charter to allow Kennebunk Light and Power District to provide retail electric service throughout the 16 entire Town of Kennebunk subject to referendum and without the need to obtain prior 17 approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-18 19 A, sections 2102, 2105 and 2110. The bill also authorizes Kennebunk Light and Power 20 District to acquire by purchase the properties and rights of any public utility currently 21 serving in those areas where the charter amendment would allow Kennebunk Light and 22 Power District to extend its services. The bill also authorizes the Public Utilities 23 Commission to resolve disputes or disagreements between Kennebunk Light and Power 24 District and any public utility as to the valuation of facilities to be purchased by 25 Kennebec Light and Power District and as to the severance and realignment of facilities rated 50 kilovolts or below as a result of the purchase. 26