

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 973

(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1622

House of Representatives, February 26, 1941.

Referred to Committee on Judiciary and sent up for concurrence. 650 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Farwell of Unity.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT Relating to Eminent Domain for Water Companies and Water
Districts, and Other Public Service Corporations.**

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

Sec. 1. R. S., c. 69, §§ 23, 24, 25, amended. Sections 23, 24 and 25 of chapter 69 of the revised statutes are hereby repealed and the following inserted in place thereof.

‘Sec. 23. Necessity for appropriation for public uses; determination of The owner of property, which is the subject of appropriation for public uses by any water district, other quasi municipal corporation or by any other public service corporation with respect to which no provision for the approval by the public utilities commission of the location or property to be taken or for the determination of the necessity of appropriation for public uses is otherwise provided by law, may, at the election of said owner, give notice by registered mail to said water district, other quasi municipal corporation or other public service corporation as aforesaid, within 30 days after the beginning of condemnation proceedings, that said owner desires to have the necessity of the particular appropriation determined by the public utilities commission.’

'Sec. 24. Petition to be filed. Within 30 days after the receipt of such notice from said owner, said water district, other quasi municipal corporation or public service corporation as aforesaid, shall file with the public utilities commission a petition, setting forth all material facts, for a decision as to the necessity of the appropriation and shall forward a copy of said petition to said owner by registered mail.'

'Sec. 25. Hearing on petition. The commission shall fix a time for hearing said petition and give a written notice thereof to said petitioner and said owner at least 10 days before the date set for the hearing; at the hearing all parties in interest shall be heard either in person or by attorney and witnesses may be summoned by either party and attendance compelled as before other judicial tribunals, the burden of proof to show the necessity of the particular taking shall rest upon the party seeking to acquire the property.'

Sec. 2. R. S., c. 69, § 26, amended. Section 26 of chapter 69 of the revised statutes is hereby amended to read as follows:

'Sec. 26. Condemnation proceedings by district. Upon the commencement of condemnation proceedings, ~~any water the district seeking to thus acquire property, unless otherwise provided by law,~~ **other quasi municipal corporation, or any other public service corporation** may file a petition with the public utilities commission asking that the necessity of such taking may be determined, whereupon proceedings shall be had as in the case of a petition by the landowner **except that the owner of the property shall be entitled to at least 30 days notice of the time of hearing.'**