

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 1473

House of Representatives

April 28, 1947.

Comes from Senate read and adopted. Printed under House Rules.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

Senate Amendment "A" to H. P. 1697, L. D. 1421, Bill "An Act to Create the Penobscot Valley Water Commission."

Amend said Bill by inserting after the word "condemnation" in the 9th and 10th lines of section 3 the following words: 'subject to the limitations hereinafter contained'

Further amend said Bill by inserting after the word "law" in the 17th line of section 3 the following words: 'subject to the limitations hereinafter contained'

Further amend said Bill by inserting after the word "clerk" in the 29th line of section 4 the following words: 'by at least 60 days'

Further amend said Bill by striking out the 3rd sentence from the end of subsection (a) of section 4 and inserting in place thereof the following sentence: 'The party prevailing recovers costs to be allowed and taxed by the court.'

Further amend said Bill by adding at the end of subsection (b) of section 4 the following sentence: 'Upon failure of the commission to comply with any order so made, the said court may, upon petition therefor by the party or parties aggrieved, set aside and declare void the condemnation proceeding and order.'

Further amend said Bill by inserting after the word "trespass" at the end of subsection (c) of section 4 the following words: 'but the commission shall be liable for actual damage caused thereby'

Further amend said Bill by inserting after the words "public utilities commission" in the 4th line from the end of subsection (d) of section 4 the words: 'and the utility affected'

Further amend said Bill by striking out all of subsection (g) of section 4 and inserting in place thereof the following:

'(g) Nothing herein contained shall be construed as authorizing said commission to take by condemnation proceedings any of the property or facilities of any public service corporation, municipality or district used or acquired for future use by the owner thereof in the performance of public duty or any property owned by any other person and in use by any public service corporation, municipality or district in the performance of public duty; except that it may take and divert water from Hatcase pond, Mountain pond, Fitts pond, Burnt pond and Beech Hill pond in the counties of Penobscot and Hancock, as the case may be, or any of them, from Schoodic lake in the county of Piscataquis, or, subject to the requirements of the Penobscot County Water Company, for the benefit of the inhabitants of the city of Ellsworth, from Branch lake in the county of Hancock, and that it may take property necessary therefor, subject, however, to the obligation to pay for the taking of such property and for the interference in any riparian rights to such waters insofar as any riparian owners may be lawfully entitled to damages therefor. Provided, however, that for so long as the Penobscot County Water Company, its successors or assigns, continues to serve the inhabitants of the city of Brewer, the natural flow of the water shall be released from Fitts pond, but without obligation to release more than 100,000 gallons of water per day.'

Further amend said Bill by striking out the 1st sentence of subsection (a) of section 11 and inserting in place thereof the following sentence: 'The water supply system when finally completed, or any integral operating unit thereof, shall be maintained and repaired by and under the control of the commission.'

Further amend said Bill by striking out in the 2nd line of section 19 the words "city or town" and inserting in place thereof the words 'city, town or district.'

Further amend said Bill by striking out the last sentence of subsection (c) of section 19.

Further amend said Bill by re-lettering subsection (c) of section 19 to be subsection (d) of section 19.

Further amend said Bill by inserting, after subsection (b) of section 19 a new subsection to be lettered (c), to read as follows :

‘(c) In the case of districts, by a vote taken in each of the towns or cities whose territorial limits are within such district, at elections or town meetings, as the case may be, conducted in the manner provided in subsections (a) and (b) hereof, to see if the voters of such towns or cities desire such district to participate in a plan for a new water supply as permitted under an act creating the Penobscot Valley Water Commission.’