(EMERGENCY)
(New Draft of H.P. 267, L.D. 350)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document NO. 1458

H.P. 1075 House of Representatives, May 8, 1987
Reported by Representative VOSE from the Committee on
Utilities and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill submitted by the Joint Standing Committee
on Utilities, pursuant to Public Law 1985, Chapter 481, Part B.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Recodify the Public Utilities Law.

PART 1 of 2
and any corporation which owns and operates a telephone or telegraph system or an oil pipe line system and which is subject to the jurisdiction of the Federal Communications Commission or Interstate Commerce Commission and any municipality or any quasi-municipal body operating a utility service such as a fire or police alarm line, street lighting, sewerage or water pipes and any rural electrification cooperative which is subject to Title 35, chapters-221-to 227 chapter 37, subchapters I, II and III.

Sec. 18. 23 MRSA §651, 4th ¶ is amended to read:

Wherever, on or along public highways, ditches or drains have existed for a period of 20 years or longer, which cause water to be flowed away from the highway, there shall be a conclusive presumption that easements for such flowage from such ditches or drains exist, but only to the extent of the original flowage. This paragraph shall does not apply in the cases protected by Title-35,-section-122i section 6025.

Sec. 19. 23 MRSA §1967, sub-§4, as enacted by PL 1981, c. 595, §3, is amended to read:

4. Authority for transfers of interest in land to the authority. All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the State, and all public service corporations and districts, notwithstanding any contrary provisions of law, may lease, lend, grant or convey to the authority, upon its request, upon such terms and conditions as the proper authorities of the counties, cities, towns, political subdivisions, other municipalities, agencies, commissions, public service corporations and districts deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real or personal property or rights therein which may be necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights therein already devoted to public use. As used in this subsection, the term "public service corporation" includes every pub-
lic utility as defined in Title 35, 35-A, section 102, subsection 13, and every corporation referred to in Title 13-A.

Sec. 20. 23 MRSA §2903, as amended by PL 1971, c. 593, §§19 and 20, is further amended to read:

§2903. Maintenance of railroad crossings already laid out

Notwithstanding any section of Title-35---chapter 51 Part 7, in case of ways already laid out which cross over or under any railroad track or tracks and not at grade, the allocation of the expense of maintaining so much thereof as is within the limits of such railroad shall be determined, de novo, as provided by section 2902, by the Department of Transportation upon application to it by any corporation whose track is or tracks are so crossed, or upon application by the municipal officers of any town in which the crossing is located, or upon application by the Department of Transportation.

Sec. 21. 23 MRSA §2928, as enacted by PL 1981, c. 456, Pt. A, §81, is amended to read:

§2928. Railroad company may enter private property

For the purpose of creating and maintaining the fair view mentioned in sections 2921 to 2927 or for the purpose of improving the view at one or more angles, any steam railroad company subject to this chapter may enter upon private property and remove any embankment or other obstruction except a dwelling house. The owner of the property is entitled to damages, and may have the damages estimated and paid in a manner provided in Title-35---chapter-51 chapter 607, and there is the same right of appeal as given in that chapter.

Sec. 22. 23 MRSA §4220, as enacted by PL 1977, c. 341, §2, is amended to read:

§4220. Prior orders and rules effective

All rules, regulations, orders and decrees in effect prior to the-effective-date-of-this-Act October
4, shall also have been approved by the Public Utilities Commission under Title 35 35-A, section 33-A 3132.

Sec. 37. 38 MRSA §932 is amended to read:

§932. Eminent domain; assessment of damages

Any person, firm or corporation authorized and empowered to build, maintain and operate pipes, conduits, penstocks, tunnels and canals under section 931 is further authorized and empowered to exercise the right of eminent domain by taking and holding as for public uses in the manner and subject to the limitations prescribed in Title 35 35-A, section 3242 6502, such lands and rights-of-way as such person, firm or corporation may require for such purposes when the water which will be stored, retained and discharged through the use of such pipes, conduits, penstocks, tunnels and canals will be devoted to public uses. All proceedings relating to damages caused by the building, maintaining and operating of said pipes, conduits, penstocks, tunnels and canals shall be ascertained and determined in the same manner as prescribed in said Title 35 35-A, sections 3243 to 3252 6503 to 6512.


STATEMENT OF FACT

The purpose of this new draft is to make technical changes to the bill, especially to new Title 35-A. No substantial changes are added.

The following is the conversion table of Title 35 to Title 35-A.

TITLE 35-A

PUBLIC UTILITIES

PART 1

PUBLIC UTILITIES COMMISSION

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