

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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 P&SL 1951, c. 53, §3 is repealed and the following enacted in its place:

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, firms and corporations are the entire territory of the Town of Kennebunk; and the territorial limits of the Kennebunk Light and Power District include those parts of the Town of Lyman, the Town of Wells and the Town of Arundel, formerly known as North Kennebunkport, that the Kennebunk Light and Power District was providing service on November 7, 2006 and may include in addition those portions of the Town of Lyman, the 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 Lyman, the Town of Wells and the Town of Arundel after November 7, 2006 is subject to the consent of the Public Utilities Commission in accordance with the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110 as amended.

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

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 franchises of any public utility now furnishing electric service to the public within the territorial limits of said~~the~~ district is hereby authorized to acquire by purchase the plants, properties, rights, privileges and franchises of the Kennebunk Light and Power District and after acquisition shall have, hold, exercise and enjoy in its own name all of said~~the~~ plants, properties, rights, privileges and franchises as though originally granted to it, and said Kennebunk Light and Power Distriet~~the~~ public utility is hereby authorized to convey its plants, properties, rights, privileges and franchises to such~~public utility~~ the 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 of permitting its submission to the legal voters within the Town of Kennebunk at an election called for that purpose and held by December 31, 2008. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For purposes of registration of voters, the registrar of voters must be in session the secular day next preceding the election. The subject matter of this Act is reduced to 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.

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

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

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

SUMMARY

This bill amends the Kennebunk Light and Power District charter to allow Kennebunk Light and Power District to provide retail electric service throughout the entire Town of Kennebunk subject to referendum and without the need to obtain prior approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110. The bill also authorizes Kennebunk Light and Power District to acquire by purchase the properties and rights of any public utility currently serving in those areas where the charter amendment would allow Kennebunk Light and Power District to extend its services. The bill also authorizes the Public Utilities Commission to resolve disputes or disagreements between Kennebunk Light and Power District and any public utility as to the valuation of facilities to be purchased by 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.