

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)

SEVENTY-NINTH LEGISLATURE

SENATE

NO. 221

In Senate, March 14, 1919.

Referred to Committee on Judiciary and 1,000 ordered printed. Sent down for concurrence.

P. F. CRANE, Secretary.

Presented by Mr. Gurney of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND NINETEEN

AN ACT for the Development of Water Storage upon the Saco
River and for other Public Purposes.

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

Section 1. In order to provide for increased storage of
2 water for power on the Saco River and for other incidental
3 and useful public purposes, the Governor with advice and
4 consent of the Council shall appoint three persons to be
5 termed Directors, to constitute a Board to be known as The
6 Saco Conservation Board. The terms of office of the per-
7 sons first appointed Directors shall be so arranged and
8 designated at the time of their appointment that the term of
9 one Director shall expire in two years, one in four years and

10 one in six years from the first day of August, 1919. The
11 Governor shall appoint biennially thereafter one Director to
12 serve for four years as the term of any Director shall expire.
13 Any vacancy occurring among the Directors shall be filled
14 for the unexpired term by the Governor. In all cases a
15 Director shall continue to serve until his successor is ap-
16 pointed and qualifies. The Governor shall designate the
17 Chairman who shall receive a salary of five hundred dollars
18 per annum and the other Directors shall receive salaries of
19 four hundred dollars per annum each.

Sect. 2. The Directors and The Saco Conservation Board
2 shall proceed to acquire lands and flowage rights and to do
3 all other things necessary in their discretion to enable the
4 Board as promptly as possible to cause to be constructed a
5 suitable dam and to develop water storage at what is known
6 as the Hiram Reservoir Site described in the Special Water
7 Power Investigation Report of the Public Utilities Commis-
8 sion submitted to the Governor and Council of Maine under
9 date of the year 1918. The Directors shall have power to
10 adopt any plans which they may develop or which may be
11 presented to them for such storage or to change and amend
12 the plans for the Hiram Reservoir Site referred to in the
13 said report and to adopt any such amended plan. The
14 Directors shall appoint such engineers, clerks, agents and
15 assistants and employees as they may deem necessary to
16 carry out the purposes of this Act and shall determine the
17 duties and compensation of such persons.

Sect. 3. The Directors shall maintain an office at some
2 convenient place in the State to be determined by them at
3 which they shall keep plans and other documents relating to
4 the properties under their charge.

Sect. 4. The Directors may take or acquire by purchase or
2 otherwise and hold such property and such rights and
3 easements therein as the directors may from time to time
4 consider necessary for the purpose of constructing the said
5 dam and developing the said storage. The title to all lands
6 and easements acquired by the Board shall be taken in the
7 name of and vested in The Saco Conservation Board. Be-
8 fore permitting the storage area to be flooded, the directors
9 shall cause all timber, wood and brush upon the entire stor-
10 age site to be removed **therefrom or burned thereon** so that
11 the site may be in condition to permit of flooding without
12 producing what is familiarly known as dri-ki upon any part
13 of said site. The Directors may sell the timber and wood
14 from any lands of which they may acquire ownership or in
15 which they may acquire easements under the powers herein
16 granted.

Sect. 5. In order to take any property by right or eminent
2 domain, the Directors shall within ninety days after voting
3 to take any lands or easements therein, file and cause to be
4 recorded in the registry of deeds for the county in which the
5 property to be taken is situated, a description thereof suf-
6 ficiently accurate for identification, with a statement of the
7 purposes for which the same was taken, signed by a

8 majority of the Directors. Notice of such proceedings shall
9 be given to the owners thereof, if known, and the said notice
10 shall be published once a week for three weeks in a news-
11 paper regularly published in the county where the said lands
12 or easements are situated. The recording shall operate as a
13 taking of the real estate and of the rights and easements
14 herein described. No taking shall be valid unless it is
15 recorded in accordance with the provisions of this section.
16 In the event that the owner or other persons beneficially
17 interested in said lands or easements shall not consent to the
18 taking thereof, said owner or other person beneficially inter-
19 ested therein shall begin proceedings to protect their interest
20 in said lands or easements in the Supreme Judicial Court in
21 the county where said lands or easements are situated within
22 sixty days after the recording of the said plan, which time
23 may be enlarged by any justice of the Supreme Judicial
24 Court, in term time or vacation, upon petition setting forth
25 sufficient cause therefore, filed within six months from the
26 day of the filing of said plan. If the taking of said lands or
27 easements be permanently enjoined by the Supreme Judicial
28 Court on proceedings instituted therefor, such actual dam-
29 ages only as shall have been sustained shall be recoverable
30 by the person or persons whose lands were taken, or
31 attempted to be taken as aforesaid.

Sect. 6. The Directors shall issue the orders of the Board
2 upon the treasurer of the State of Maine for payment of any
3 moneys agreed by the Board to be paid by it for lands and

4 easements to be acquired or for damages agreed upon for
5 lands and easements taken by the Board for the purposes
6 of this Act and for other expenses incurred in the acquire-
7 ment of the lands and rights therein hereunder and for the
8 construction of the said dam and the completion of the said
9 storage, first applying, however, toward the payment of any
10 such expenses including the salaries of the Directors, such
11 sums if any as may be derived by them from the sale of
12 timber or wood from lands and easements acquired here-
13 under. In case of the taking by the Board of any land or
14 right or easement therein by right of eminent domain any
15 person, firm or corporation sustaining damage thereby and
16 failing to agree with the Directors as to the amount thereof
17 may have the same assessed and determined in the manner
18 provided by law in the case of land taken for the laying out
19 of highways, on application at any time within one year after
20 the taking of such land or right or easement therein; but no
21 such application shall be made after the expiration of the
22 said one year. After the determination by the proper
23 tribunal of any such damages, the Directors shall issue the
24 order or orders of the Board upon the Treasurer of the State
25 of Maine for the payment of any such damages so deter-
26 mined. The Treasurer of the State of Maine shall promptly
27 pay to the parties designated in the said orders of the Board
28 the sums designated in the said orders and shall charge all
29 such payments against the total appropriation herein pro-
30 vided to cover the cost and expenses of the acquirement of

31 the properties required for the said storage and the construc-
32 tion of the said dam and the completion of the entire project
33 in readiness to furnish storage water.

Sect. 7. The Directors shall have power to fix the rates
2 to be charged all corporations and individuals using the
3 water furnished by the storage development and to collect
4 such charges quarterly or otherwise as the Directors may
5 determine. The rates shall be based upon the head of the
6 various water power developments on the Saco River below
7 the storage dam and be charged to the owner or owners of
8 such water power developments. The charges for such use
9 of the storage water shall be fixed by the Directors so as to
10 provide in each year as nearly as possible sufficient revenue
11 to cover the following items; interest upon the capital in-
12 vestment in said development, the charges required for the
13 expense of operation of the said development including the
14 collection of the charges herein provided for and the pay-
15 ment of maintenance and all other annual costs and expenses
16 other than capital improvements or additions and a suf-
17 ficient sum to provide for the amortization and payment in
18 not exceeding forty years of the total capital expenditure
19 required for the said development. The Board shall cause
20 notice to be published in at least one newspaper printed in
21 Oxford County and in at least one newspaper printed in
22 York County and in at least one newspaper printed in Cum-
23 berland County not less than once a week for three consecu-
24 tive weeks preceding the quarterly or other period to which

25 the rates shall apply, of the rates so fixed by them for the
26 use of such storage water for the said period. Such rates
27 shall become due and payable at the expiration of any por-
28 tion of such period as the Directors may determine and bills
29 for such use of the water shall be rendered as promptly as
30 possible by the Board to the persons and corporations liable
31 for such use, provided, however, that any person or cor-
32 poration so charged by the Board may appeal to the Public
33 Utilities Commission which shall after due notice and pub-
34 lic hearing determine whether or not the said rate or rates
35 are fair and just and if not the Public Utilities Commission
36 shall have authority to make such charges in the same as it
37 may deem necessary and thereupon the Board shall become
38 entitled to recover and collect the said rate or rates so pre-
39 scribed by the Public Utilities Commission, for such period
40 also as the Commission may determine. The sums collected
41 for amortization shall be deposited to the credit of the Board
42 in such bank or banks as the Governor and Council shall
43 approve and be designated "Amortization Fund." Such
44 fund may be invested in bonds of the State of Maine,
45 maturing not later than 1960 at such prices as the Governor
46 and Council may approve. Any surplus collected by the
47 Board in any year in excess of the aggregate sum required
48 for that year shall be deposited to the credit of the Board in
49 such bank or banks as the Governor and Council shall ap-
50 prove and be designated "Surplus Fund," and shall be
51 applied by the Board if necessary to meet any deficiencies

52 arising in the collections of the Board for any succeeding
53 year or portion of a year, provided that whenever such
54 Surplus Fund shall exceed five per centum of the capital
55 indebtedness of the Board any such excess shall be imme-
56 diately transferred to the Amortization Fund.

Sect. 8. The storage water shall be dispatched in accord-
2 ance with the regulations therefor to be agreed upon be-
3 tween the directors and the owners of not less than three-
4 fourths of the developed power upon the Saco river below
5 the said storage dam. In case no such agreement is reached
6 the directors may determine the regulations for the dispatch
7 of the storage water and any owner of a water power devel-
8 opment upon the said river below the said dam may cause
9 any regulations so agreed upon or any regulations deter-
10 mined by the board without agreement, to be reviewed by
11 the public utilities commission upon petition to it and the
12 commission shall after due notice and public hearing deter-
13 mine whether or not the said regulations are fair and just
14 and if not the public utilities commission shall have authority
15 to make such changes in the same as it may deem necessary
16 and thereupon the board shall proceed to dispatch the water
17 according to the said rules so prescribed by the public utili-
18 ties commission for such period also as the commission may
19 determine.

Sect. 9. The directors shall on or before the first day of
2 December in each year submit a full report to the governor
3 and council containing a statement of all receipts and dis-

4 bursements of the board during the year ending the preced-
5 ing thirty-first day of October, with such other data and
6 such recommendations for further legislation if any as in
7 the opinion of the directors may be necessary to enable
8 them to further or better develop the said water storage or
9 to beter provide for other public purposes incident thereto.

Sect. 10. The supreme judicial court shall have jurisdic-
2 tion in equity, upon information filed by the attorney gen-
3 eral, of violations of the provisions of this act.

Sect. 11. The aggregate of all the costs and expenses of
2 the acquirement of the properties required for the said stor-
3 age and the construction of the said dam and the completion
4 of the entire project in readiness to furnish storage water
5 including the salaries of the directors pending such com-
6 pletion and all other charges incident to the institution and
7 maintenance of the board and all liabilities incurred by it
8 up to the time of completion of the entire project in readi-
9 ness to dispatch such storage water shall not exceed one
10 million two hundred thousand dollars and the aggregate
11 amount of any bonds issued by the state of Maine to pro-
12 vide for such completion of the said storage development
13 shall not exceed in principal amount the said sum of one
14 million two hundred thousand dollars. The directors shall
15 pay into the treasury of the state semi-annually the sum re-
16 quired for payment of the coupons of any bonds of the state
17 of Maine issued for the purposes hereof and upon the ma-
18 turity of any such bonds the directors shall pay into the

19 treasury of the state from the Amortization Fund a
20 sufficient sum to pay the principal of the said bonds at such
21 maturity.