

# 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-SEVENTH LEGISLATURE**

---

---

**SENATE** **NO. 32**

---

---

*In Senate, Feb. 2, 1915.*

*Ordered, That five hundred copies be printed and that the same be referred to the Committee on Interior Waters.*

*Committee on Reference.*

*Presented by Mr. Hastings of Androscoggin.*

---

---

**STATE OF MAINE**

---

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

---

---

AN ACT to provide for a commission to be known as the  
People's Water Rights and Power Commission of the State  
of Maine.

---

*Whereas*, the people of the state of Maine who are inhabitants, are the legal owners of all ponds and rivers to the flow and ebb of the tides, and that the inhabitants may receive a revenue from the same as their just due, therefore,

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

Section 1. That there is, and is hereby created a com-  
2 mission to be known as the People's Water Right and Power  
3 Commission of the State of Maine, and shall consist of five

4 men, one of whom shall be an experienced civil engineer,  
5 and one shall be an expert hydraulic and electrical engineer,  
6 two who are experienced dam builders, and one capable  
7 business man. These men shall pass a civil service exam-  
8 ination before a board of examiners, composed of four pro-  
9 fessors of science, one from each of the colleges of the  
10 state, and shall be designated by the president of each col-  
11 lege. This board shall meet at such time as they shall be  
12 notified by the governor, and at such place as he may ap-  
13 point, there to hear and examine thoroughly as to the com-  
14 petency of the applicants to fill any of the positions as pre-  
15 scribed by each of the members of the commission. But  
16 no political test shall be applied. The men must be ap-  
17 pointed for their ability for the office to be filled, not for  
18 any political party affiliation. After the examination, the  
19 examining board shall at once report to the governor, giving  
20 the names of the men who passed a satisfactory examina-  
21 tion, and all vacancies in the commission shall be filled in  
22 the same manner.

Sect. 2. On receipt of the report of the board of exam-  
2 iners the governor shall, with the consent of the council,  
3 appoint the men so recommended as commissioners, who  
4 shall hold office as long as they shall faithfully perform the  
5 duties required of them, and if at any time, the governor  
6 and council become convinced that any one or more of the  
7 said commissioners are proving incompetent, they shall no-

8 tify such in writing, and order him before the council for  
9 a hearing, and if found that the accused is incompetent,  
10 neglectful or dishonest, the council shall declare the office  
11 vacant, and the governor shall proceed to fill the vacancy as  
12 prescribed in section 1.

Sect. 3. The duty of the commissioner is first to ascer-  
2 tain the amount, and location of all unoccupied water power  
3 privileges in the state, as well as all occupied water powers,  
4 and they shall proceed to take personal possession at once,  
5 of all the water powers unoccupied, and shall advertise to  
6 let, in such a manner as to best reach manufacturers in  
7 want of cheap power, and when a sufficient and reliable  
8 contract is received, the commissioners shall proceed to the  
9 location desired, and shall acquire by purchase as much land  
10 each side of said water power, as they deem necessary for  
11 the construction of a suitable dam and power house. If the  
12 owners of the land ask, what in the minds of the commis-  
13 sioners, is an unreasonable and unjust sum per acre, the  
14 commissioners shall cause the land to be condemned, and  
15 the county commissioners of the county in which land is  
16 located, shall fix a just value, and under the same process,  
17 the commissioners shall acquire as much of the riparian  
18 rights as the erection of such a dam will cause the water  
19 to overflow and in all cases where practicable such dam shall  
20 be built with its full capacity as a storage for water, as the  
21 formation of the land will allow.

Sect. 4. The commissioners shall take possession of all  
2 occupied water power in the state, belonging to the people,  
3 by first causing a notice to be given to any person, company  
4 or corporation, who claims to own such water powers, by  
5 giving claimant a proper notice in writing, sixty days in  
6 which to vacate and deliver over to the commissioners, all  
7 supervision of said water power, and the commissioners may  
8 acquire as much land on each end of the same as would be  
9 necessary to the repairs and maintenance and care of the  
10 same. The commissioners shall and are hereby empowered  
11 to take possession of said land by due process of condemna-  
12 tion and eminent domain.

Sect. 5. Any person, company or corporation in posses-  
2 sion of any occupied water power who are using said  
3 power for manufacturing purposes or generating electric  
4 light, power or heat, shall have the preference in entering  
5 into contract with the state through the commissioners, so  
6 that by paying such a sum or fee per horsepower per annum  
7 for all horsepower used by them, the said amount of power  
8 to be determined by the commissioners, but in no case shall  
9 they pay less than twenty dollars per horsepower per annum.  
10 Any person, company or corporation in possession of such  
11 water powers who shall sell this power to others direct, shall  
12 not be allowed a lease of said powers.

Sect. 6. Any person, company or corporation who desires  
2 to improve and lease any unoccupied water power, may on

3 application to the commissioners, setting forth the desire,  
4 may be allowed to do so, but said parties must build and  
5 maintain such a dam as the commissioners shall determine,  
6 and said builders shall have a lease of water power not to  
7 exceed ten years, and may be renewed in periods of ten  
8 years each, and said parties shall pay to the state, only  
9 twenty dollars per horsepower per annum for the first terms  
10 of lease, and thereafter such sum as the commissioners may  
11 deem proper.

Sect. 7. The price of rental for water power throughout  
2 the state, shall be not less than twenty nor more than fifty  
3 dollars per each and every horsepower used during one year,  
4 and said money for the use of power shall be paid every  
5 three months and any party who fails to pay the contract  
6 price within three months after it becomes due, shall be  
7 given thirty days notice in writing declaring that they have  
8 broken the contract and that the lease will be declared null  
9 and void, and that they must vacate the power.

Sect. 8. No person, company or corporation shall be al-  
2 lowed to cut any ice on any waters or rivers, down to the  
3 ebb and flow of the tides, for commercial purposes, or large  
4 cold storages for meats, fish or creamery purposes, without  
5 first getting a permit from the commissioners, and paying  
6 to the state for the use of the people, a sum not less than  
7 twenty-five cents, and not more than one dollar for each  
8 and every ton of ice cut and taken from the waters or rivers.

9 Municipal ice plants shall be deemed a corporation in the  
10 above, and shall receive a certificate for the commission to  
11 enter on to any pond and river to cut and take ice there-  
12 from, and may pass another man's land to get to said pond  
13 or river, without trespass, provided they do the land or  
14 fences no damage.

Sect. 9. All farmers and private individuals may cut ice  
2 for home use or family consumption free of cost, but shall  
3 not cut or interfere upon any ice field of any parties who  
4 have received a license from the commissioners and have  
5 been assigned the boundary of their ice field.

Sect. 10. There shall be such a sum of money raised either  
2 by an appropriation, or by bond issue as the legislature may  
3 determine to be used in taking up the riparian rights adja-  
4 cent to the water powers any building dams, and defraying  
5 the expense of the commissioners until the income from  
6 the rental of the water power privileges shall be sufficient  
7 to pay expenses and take care of all bond issues. Then  
8 the surplus income, or as much as may deem necessary,  
9 shall be used in developing the other water power as soon  
10 as may be needed. After the development of all required  
11 power, the balance of the income for water rentals shall be  
12 applied to pay the reasonable expense of the state, cities  
13 and town. Any balance then left, shall be applied to the  
14 construction of good permanent roads and of the most solid  
15 and enduring construction.

The commissioners shall each receive a salary of \$1800.00  
17 per year and all necessary traveling expenses while on duty  
18 for the state. The governor and council shall see that the  
19 commissioners have a suitable room in the state house for  
20 an office, and shall appoint a suitable person to act as a  
21 permanent secretary and clerk for the commissioners, and  
22 do such clerical work as may be assigned him, and shall  
23 receive \$1200.00 per year for his services, and if sent to  
24 any exposition or fair in the state for the purpose of adver-  
25 tising the water powers of Maine, he shall receive a suffi-  
26 cient sum, to cover all actual expenses. The governor and  
27 council may provide the commissioners with the necessary  
28 clerical office help necessary to conduct the business of the  
29 office properly, the compensation of the same, shall be fixed  
30 by the governor and the council.

Sect. 11. The commissioners shall keep an itemized ac-  
2 count of all moneys received, and from what source and  
3 also for all money paid out, taking a voucher for the same  
4 which shall be filed with the governor and council to be  
5 approved by the state auditor. They shall make a financial  
6 statement to the governor and council once in three months,  
7 and at the end of the year, shall make a full and complete  
8 report of all the proceedings as well itemized financial re-  
9 port, and the governor and council may order as many  
10 copies of the report to be printed as may deem necessary.  
11 All moneys received by the commissioners from any source,



12 shall be paid to the treasurer of the state each week, and  
13 receive his voucher for the same.

Sect. 12. The commissioners shall have full power to make  
2 such rules and regulations of the letting and leasing of  
3 water powers, permits for cutting of ice, storage of logs,  
4 or pulp wood on any waters and rivers, also for power boats  
5 carrying passengers on any of the said waters and rivers.  
6 They shall have the power to stop the pollution of any  
7 waters by the refuse from any saw mill, factory or pulp  
8 mill into said waters, by due process of the law.

Sect. 13. No person, company or corporation shall be  
2 allowed to lease or hire any water privilege, water power  
3 or any part thereof, with the intention of manufacturing  
4 electricity to be carried outside the state lines. Any person,  
5 company or corporation leasing power in the state attempt-  
6 ing to so carry the wires or conductors outside of the state  
7 line, shall have their lease revoked without notice, and shall  
8 forfeit all their claim and rights to any franchise, power  
9 buildings, and machinery to the state.

Sect. 14. And all laws relating to the water storage,  
2 commission and water power of the state as embodied in  
3 the public utility bill, are hereby repealed, and the People's  
4 Water Right and Power Commissioners, are hereby given  
5 full power and control of all waters and rivers within the  
6 state, to be developed and leased for the benefit of the in-  
7 habitants thereof. The People's Water Rights and Power

8 Commissioners shall give such bonds for the faithful and  
9 honest performance of their duty, as the governor and coun-  
10 cil shall determine. All waters and rivers in the state, are  
11 the legal property of the inhabitants thereof, by a good and  
12 sufficient warrantee deed of perpetuity given by William and  
13 Mary, king and queen of England, dated October 7th, 1691.  
14 Warranted and defended by them, their heirs and successors  
15 for evermore.

Sect. 15. All riparian lands necessary for the construc-  
2 tions of all dams, power houses, and flowage purposes which  
3 cannot be bought at a reasonable sum, shall be taken under  
4 the law provided for taking over lands by right of eminent  
5 domain, and paid for as that law provides. This act shall  
6 take effect ninety days after the approval by the governor  
7 and the adjournment of the legislature.