

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 56

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*In Senate, Jan. 26, 1917.*

*Presented by Mr. Hastings of Androscoggin and on motion by Mr. Davies laid on the table for printing of one thousand copies pending reference to a committee and assigned for Tuesday, Jan. 30.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Hastings of Androscoggin.*

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STATE OF MAINE

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

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

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WHEREAS, the people of the State of Maine, who are the  
inhabitants thereof, are the legal owners of all waters and  
rivers in the state, and that the inhabitants may receive a  
revenue from the same as their just due, therefore,

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

Section 1. That there is, and hereby created a commission  
2 to be known as the People's Rights and Water Power Com-  
3 mission of the State of Maine, and shall consist of five men,  
4 one of whom shall be an experienced civil engineer, and one  
5 shall be an expert hydraulic and electrical engineer, two ex-  
6 perenced dam builders, and one capable business man.  
7 These men shall pass a civil service examination before a  
8 board of examiners, composed of four professors of science,  
9 one from each of the colleges of the state, and to be ap-  
10 pointed by the president of each college. This board shall  
11 meet at such time as they shall be notified by the Governor,  
12 and at such place as he may appoint, there to hear and  
13 examine thoroughly as to the competency of the applicants to  
14 fill any of the positions as prescribed for each of the mem-  
15 bers of the commission. But no political test shall be applied.  
16 The men must be appointed for their ability for the office to  
17 be filled, not for any political party affiliation. After the  
18 examination, the examining board shall at once report to the  
19 Governor, giving the names of the men who passed a satis-  
20 factory examination, and all vacancies in the commission  
21 shall be filled in 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 fulfill the  
5 duties required of them, and if at any time the Governor and  
6 Council become convinced that any one or more of the said

7 commissioners are proving incompetent, they shall notify  
8 such in writing, and order him or them before the Council  
9 for a hearing, and if the accused is found incompetent, neg-  
10 lectful 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 commissioners is first to ascertain  
2 the amount, and location of all the 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, of  
5 all the water power unoccupied, and shall advertise water  
6 power to let, in a manner such as will best reach manu-  
7 facturers in want of cheap power, and when a sufficient and  
8 a reliable contract is received, the commissioners shall  
9 proceed to the location desired, and shall acquire by purchase  
10 as much land each side of said water power, as they deem  
11 necessary for the construction of a suitable dam and power  
12 house. If the owner of the land ask, what in the minds of  
13 the commissioners, is an unreasonable unjust sum per acre,  
14 the commissioners shall cause the land to be condemned, and  
15 the county commissioners of the county in which the 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 to  
19 overflow and in all cases where practicable such a 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 the  
2 occupied water powers in the state, which belongs to the  
3 inhabitants and their successors, by first causing a notice to  
4 be given to any person, company or corporation, who are  
5 found in possession of such water powers, by giving the  
6 claimant a proper notice in writing, allowing them sixty  
7 days in which to vacate and deliver over to the commis-  
8 sioners all supervision of said water power, and the commis-  
9 sioners may acquire as much land on each side of the river  
10 or stream, where such water power is located as would be  
11 necessary for the repair and the maintenance and care of the  
12 same. The commissioners shall have and are hereby given  
13 power to take possession of said land by due process of con-  
14 demnation and eminent domain.

Sect. 5. Any person, company or corporation in posses-  
2 sion of any occupied water power who are using said power  
3 themselves for manufacturing purposes or generating electric  
4 light, power or heat, shall have the preference in entering  
5 into a contract with the state through the commissioners, so  
6 that by paying such a sum or fee per horse power 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 horse power per  
10 annum. Any person, company or corporation in possession  
11 of such water powers who sell this power to others direct,  
12 shall not be allowed a lease of said power.

Sect. 6. Any person, company or corporation who desires

2 to improve and lease any unoccupied water power, may on  
3 application to the commissioner setting forth the desire, may  
4 allowed to do so, but said parties must build and maintain  
5 such a dam as the commissioners shall determine and said  
6 builders shall have a lease of the water power not to exceed  
7 ten years, and which may be renewed in periods of ten years  
8 each, and said parties shall pay to the state, only twenty  
9 dollars per horse power per annum for the first ten years of  
10 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 for each and every horsepower used during one  
4 year, and all 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 sixty 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  
2 allowed to cut any ice on any waters or rivers for commercial  
3 purposes, cold storages for meats, fish or creamery purposes,  
4 or any other food products, without first getting a permit  
5 from the commissioners, and paying to the state for the use  
6 of the inhabitants, a sum not less than twenty-five cents, and  
7 not more than one dollar for each and every ton of ice cut  
8 and taken from the waters and rivers. Municipal ice plants

9 shall be deemed a corporation in the above, and shall receive  
10 a certificate from the commissioners to enter on to any  
11 waters or rivers to cut and take ice therefrom, and may pass  
12 any persons land to get to said waters or rivers, without  
13 trespass, providing they do the land or property 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 field of ice of any other parties  
4 who have received a license from the commissioners and  
5 have been assigned the boundary of their ice field.

Sect. 10. There shall be such a sum of money raised  
2 either by an appropriation, or by issue of bonds as the  
3 Legislature may determine not to exceed two million dollars  
4 for the purpose of taking up the riparian and flowage rights,  
5 and build new dams, and for defraying the expenses of the  
6 commissioners until the income of water power rentals shall  
7 be sufficient to pay expenses and take care of all bonds or  
8 other indebtedness caused by taking over riparian and  
9 flowage rights and building new dams, all bonds issued shall  
10 bear such a rate of interest as the Legislature shall  
11 determine, but no bonds shall be issued until they are needed  
12 by the commissioners and no interest shall commence on said  
13 bonds until the day they are issued by the State Treasurer by  
14 order of the Governor and Council. And as soon as the  
15 income from the fees received from the rentals of the water  
16 powers shall be sufficient to pay all indebtedness, such a sum  
17 shall be used annually in building new dams not to exceed ten

18 million a year, any further surplus not to exceed fifteen  
19 million a year, shall be applied to paying the municipal  
20 expenses of all towns, cities, counties and state, such sum to  
21 be paid by the State Treasurer by order of the Governor and  
22 Council out of such funds that he has received from the com-  
23 missioners. If he has not received a sufficient sum to pay all  
24 the expenses of the cities, towns, counties and state, he shall  
25 pay a percentage on the dollar, all the municipal officers of  
26 the towns, cities and county commissioners shall make out an  
27 itemized report of all reasonable expenditures which they  
28 shall subscribe to under oath before an officer qualified to  
29 administer such oath, their reports shall then be submitted to  
30 the State Auditor who shall examine the same and if he finds  
31 them correct, reasonable and not extravagant, he shall then  
32 notify the Governor and Council as to the finding of all the  
33 bills, but the Governor and Council shall not order any bill  
34 paid which they shall deem to be dishonest or extravagant  
35 until they have ordered the officers responsible for such bills  
36 to appear before them and explain to them in regard to their  
37 bill, and if the Governor and Council shall then be convinced  
38 that the bill is right and proper, they may then order it paid.  
39 Any balance then left, shall be applied to building good solid  
40 and permanent roads of the most enduring construction and  
41 such sum shall be expended annually not to exceed fifteen  
42 million a year until all roads in the state are completed.  
43 After the dams are all built and riparian and flowage rights  
44 paid for and all roads built then all the money received after



45 paying all state, counties, cities and towns expenses, shall be  
46 divided annually per capita to every man, woman and child  
47 who are legal inhabitants of the state.

Sect. 10. The commissioners shall receive a salary of  
2 \$1800.00 per year and all necessary travelling expenses while  
3 on duty for the state. The governor and council shall see  
4 that the commissioners have a suitable room in the state  
5 house for an office, and shall appoint a suitable person to  
6 act as a permanent secretary and clerk for the commission-  
7 ers, and do such clerical work as may be assigned to him,  
8 and he shall receive \$1200.00 per year for his services, and  
9 if he is sent to any exposition or fair in the state or else-  
10 where for the purpose of advertising the water powers of  
11 Maine, he shall receive a sufficient sum, to pay all actual  
12 expenses. The governor and council shall provide the com-  
13 missioners with all necessary clerical office help to conduct  
14 the business of the office properly, the compensation of the  
15 same, shall be fixed by the governor and 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, they shall make a full and a  
8 complete report of all their proceedings as well as an item-  
9 ized financial report, and the governor and council may

10 order as many copies of the report to be printed as may be  
11 deemed necessary. All moneys received by the commis-  
12 sioner from any source, shall be paid to the treasurer of  
13 the state each week, and shall receive his voucher for the  
14 same.

Sect. 12. 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 intentions of manufactur-  
4 ing electricity to be carried outside the state line. Any  
5 person, company or corporation leasing power in the state,  
6 attempting to carry the wires or the conductors outside the  
7 state line, or connect with other wire or conductor which  
8 may be brought into the state from outside by any parties  
9 whatever, shall have their lease revoked without notice, and  
10 shall forfeit all their claims and rights to any franchise,  
11 power buildings, and machinery, to the state.

Sect. 13. The commissioners shall have full power to  
2 make such rules and regulations for the letting and leasing  
3 of the water powers, permits for cutting of ice, storage of  
4 logs, or pulp wood on any waters or rivers in the state.  
5 Also for power boats for carrying passengers on any of the  
6 said waters or rivers. They shall have power to stop pol-  
7 lution of any waters of the refuse from any saw-mill, fac-  
8 tory or pulp-mill into said waters, particularly they shall  
9 take such means to protect the pollutions of all waters where  
10 taken for drinking and culinary purposes by due process of  
11 law.

Sect. 14. And all laws relating to the water storage, com-  
missioners and water powers of the state as embodied in  
the public utility bill, as well as all laws previously enacted  
relating to all waters and rivers in the state are hereby  
repealed, and the people's rights and water powers com-  
missioners, are hereby given full power and control of all  
waters and rivers in the state, to be developed and leased  
for the benefit of all the inhabitants thereof. The people's  
right and water power commissioners shall give such bonds  
for the honest and faithful performance of their duty as  
the governor and council shall determine. The commis-  
sioners shall have power to hear the complaints of over-  
charges when brought to their notice in writing by not less  
than five persons setting forth their complaints under oath  
that any person, company or a corporation are charging an  
unreasonable price for either light, heat or power. The  
commissioners shall call both parties before them for a hear-  
ing, and if in their minds the claim is sustained they shall  
have power to fix a just price for the same. And that all  
waters and rivers in the state, are the legal property of the  
inhabitants thereof, by a good and sufficient warantee deed  
of perpetuity given by King William and Mary of Eng-  
land, dated October 7th, 1691. Warranted and defended  
by them, their heirs and successors forevermore, and can  
never be disposed of, by the state or even by the people  
themselves, as the coming inhabitants have the same claim  
as the past and present inhabitants have.

Sect. 15. All riparian lands necessary for the construction of all dams, power houses, or for flowage purposes, which cannot be bought for a reasonable price, shall be taken under the constitutional law provided for taking over lands by right of eminent domain, and paid for as the law provides.

This act shall take effect ninety days after the approval by the governor and the adjournment of the legislature.