

MAINE STATE LEGISLATURE

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SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 216

House of Representatives, February 20, 1919.

Tabled by Baxter of Portland for printing pending passage.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

ORDERED, that according to the provisions of the Constitution of this state, the justices of the Supreme Judicial court are hereby respectfully requested to give this House their opinion of the following questions:

Question No. 1. May the Legislature authorize the construction and development by the state of water storage reservoirs and basins for the purpose of controlling and conserving the waters of the public lakes and great ponds, of increasing and regulating the flow of the rivers flowing therefrom, and of increasing the value and capacity of the water powers of said rivers?

Question No. 2. In the case the construction and development of water storage reservoirs and basins as aforesaid is held to be legal, may the state charge to the owners of water powers

located on rivers below such storage reservoirs and basins, a proportional part of the cost of such construction and development, or in lieu thereof a sum in the nature of a rental or tax, based upon the increased power thereby made available for use of said water power owners?

Question No. 3. Where the Legislature has granted a private corporation the right to erect a dam to control the waters of a public lake or great pond without raising the natural high water level thereof, in order that the waters therein may be impounded and used for purposes of such corporation, may the Legislature subsequently impose a tax upon such corporation based upon the increased amount and use of water from said lake or pond which the corporation enjoys by reason of having erected such dam?

Question No. 4. Where the Legislature has granted a private corporation the right to erect a dam to control and also to raise the natural level of the waters of a public lake or great pond in order to impound additional waters to be used for the purposes of such corporation, may the Legislature impose a tax upon such corporation based upon the increased amount and use of water from said lake or pond, which the corporation enjoys by reason of having erected such dam and of having raised the natural level of the waters of said lake or pond?

Question No. 5. Has the reservation "of a tract of land not exceeding two hundred acres together with the best mill site in any such township," as provided in section 5 of chapter

280 of the laws of 1824 been repealed, or is the said reservation still in full force and effect?

Percival P. Baxter, Portland.