

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-NINTH LEGISLATURE

HOUSE

NO. 436

House of Representatives, March 15, 1919.

Reported by Mr. Baxter from Committee on Judiciary and
ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

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

AN ACT to Create the Maine Water Power Commission.

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

Section 1. The Governor shall appoint ten citizens of
2 the state as hereinafter provided, who shall constitute a
3 commission to be known as the Maine Water Power Com-
4 mission. Three of the commissioners shall be appointed
5 with the advice and consent of the council; one commis-
6 sioner shall be a member of the Senate of the Seventy-
7 ninth Legislature to be appointed upon recommendation of
8 the President of the Senate; two commissioners shall be
9 members of the House of Representatives of the Seventy-
10 ninth Legislature to be appointed upon recommendation

11 of the Speaker of the House; one commissioner shall be
12 a member of the Maine State Board of Trade to be appoint-
13 ed upon recommendation of said board; one commissioner
14 shall be a member of the Maine State Grange, to be ap-
15 pointed upon recommendation of the said grange; one
16 commissioner shall be a member of the Maine State Fed-
17 eration of Labor to be appointed upon recommendation
18 of the said federation; and one commissioner shall be a
19 member of the Savings Bank Association of Maine to be
20 appointed upon recommendation of said association. The
21 members of the commission shall be appointed within thirty
22 (30) days after this act shall take effect, they shall hold
23 office for two years and the chairman of the commission
24 shall be designated by the Governor. Any vacancy occur-
25 ring in said commission shall be filled in the same manner
26 as by original appointment and recommendation, but such
27 appointment shall be only for the unexpired portion of the
28 term in which such vacancy occurs. The members of said
29 commission shall each receive five dollars per day while
30 engaged upon work of the commission, and they shall also
31 be paid their actual and necessary expenses incurred in
32 the performance of their duties, except that the members
33 of the Legislature, serving hereon, shall receive no per
34 diem compensation. Should either the Maine State Board
35 of Trade, Maine State Grange, Maine State Federation of
36 Labor or Savings Bank Association of Maine fail to recom-
37 mend a member within thirty (30) days after this act shall

38 take effect or if after appointment in accordance with the
39 terms of this act a vacancy should occur with reference
40 to one or more of the representatives of the within named
41 organizations, and such organization whose representation
42 has become vacant shall fail within thirty (30) days there-
43 after to recommend one of its members for such vacancy,
44 the Governor shall, with the advice and consent of the coun-
45 cil, within thirty (30) days thereafter appoint a citizen of
46 the state to fill such vacancy.

No member or employee of said commission shall have
2 any official or professional connection or relation with,
3 or hold any interest in, or stock or securities in any water
4 power or water storage reservoir company operating with-
5 in the state of Maine. No commissioner shall hold any
6 other office of profit or trust under the government of the
7 United States or of this state, except that members of the
8 Seventy-ninth Legislature may be appointed to serve on
9 this commission as herein provided, but such members shall
10 not be candidates for re-election to the state Legislature
11 while serving as commissioners hereunder; nor shall any
12 commissioner serve on or under any committee of any po-
13 litical party. Commissioners under this act may hold the
14 office of justice of the peace and notary public. Any wil-
15 ful violation of the provisions of this act by any commis-
16 sioner shall constitute sufficient cause for his removal by
17 the Governor with the advice and consent of the council.

Sect. 2. The commission may employ a competent en-

2 gineer with the title of chief engineer, who shall have
3 charge, under the direction of the commission, of the op-
4 erations under this act. The chief engineer is hereby au-
5 thorized and empowered to employ, subject to the approval
6 of the commission, such engineers, stenographers, clerks
7 and other subordinates as he may find necessary to carry
8 out the provisions of this act, but he shall not incur any
9 expense in excess of the amounts annually appropriated
10 by the state for this purpose.

Sect. 3. The commission shall adopt and have a seal
2 and shall be provided with a suitable office at the State
3 House in which its records shall be kept. On or before
4 January first, nineteen hundred twenty-one the commission
5 shall render, to the Governor and Council, a report show-
6 ing the progress made in its investigations and this re-
7 port shall be transmitted to the next legislature. If the
8 commission is unable to render a complete report with its
9 final recommendations thereunder on the date herein speci-
10 fied, it shall give the reasons therefor together with an es-
11 timate as to what further time will be needed to complete
12 its work and render a complete report.

Sect. 4. The commission shall preserve all information
2 heretofore collected by the State Water Storage Commis-
3 sion and Public Utilities Commission and shall thorough-
4 ly investigate the water power resources within the State
5 of Maine, the flow of rivers and their drainage area, the
6 location, nature and size of the lakes and ponds in the

7 state and their respective value and capacity as storage res-
8 ervoirs and such other hydrographic data as they shall
9 deem of value in determining the best methods for the im-
10 mediate improvement and development of water power re-
11 sources within the state.

Sect. 5. The commission shall investigate and report
2 upon what rights remain to the state in the storage reser-
3 voirs and basins and in the developed and undeveloped
4 water powers within the state, and whether these rights
5 are in any respect being curtailed or otherwise being ad-
6 versely affected by any person, firm or corporation, and,
7 if it deems it advisable to do so, shall investigate the pres-
8 ent ownership of the water power resources within the state
9 and describe each water power whether developed or unde-
10 veloped within the state to which the state has title, com-
11 plete or partial.

Sect. 6. The commission shall investigate and report
2 upon the question of the transmission beyond the confines
3 of the state of electric current generated within the limits
4 of the state; it shall render an account of all corporations
5 having the right to so transmit electric current and of the
6 amount thereof now being so transmitted by any and all
7 such corporations and by individuals; and they shall in-
8 vestigate and report upon any and all violations of section
9 one, chapter sixty of the revised statutes of Maine. The
10 attorney general shall act as counsel for the commission.

Sect. 7. The commission shall investigate the present

2 water power developments within the state with the view
3 to determine whether it is for the interest of the state that
4 the storage reservoirs and basins and the undeveloped wat-
5 er powers within the state be acquired and developed by
6 the state or by private enterprise. If the commission is
7 of the opinion that it is for the best interests of the people
8 of the state to have the storage reservoirs and basins and
9 the undeveloped water powers developed by private enter-
10 prise, as had been done in the past, the commission shall
11 if practicable report some plan whereby the present own-
12 ers of these storage reservoirs and basins and undeveloped
13 water powers may be encouraged to immediately develop
14 them for the best interests of all the people of the state. If
15 the commission is of the opinion that the state itself should
16 acquire and develop these storage reservoirs and basins
17 and undeveloped water powers, the commission shall re-
18 port a plan for the same.

Sect. 8. The commission is hereby given full power and
2 authority to administer oaths, compel the attendance of
3 witnesses, the production of books and papers, to punish
4 for contempt and to do everything necessary and proper
5 to secure all the facts required to properly place before the
6 people of the state, the true situation in regard to the pres-
7 ent status and future possibilities of the water power re-
8 sources of the state, and at as early a date as possible the
9 commission shall present a comprehensive and practicable
10 plan whereby the water power resources of the state may

11 be conserved, used and developed for the benefit of all the
12 people of Maine.

Sect. 9. Every person, firm or corporation before com-
2 mencing the erection of a dam for the purpose of develop-
3 ing any water power in this state, or the creation or im-
4 provement of a water storage basin or reservoir for the
5 purpose of controlling the waters of any of the lakes or
6 rivers of the state, shall file with said commission for its
7 information and use copies of plans for the construction
8 of any such dam or storage basin or reservoir, and a state-
9 ment giving the location, height and nature of the proposed
10 dam and appurtenant structures and the estimated power
11 to be developed thereby; and in case a dam is to be con-
12 structed solely for the purpose of water storage and not
13 for the development of a water power at its site, plans
14 and statements shall be filed with the commission show-
15 ing the extent of the land to be flowed, the estimated num-
16 ber of cubic feet of water that may be stored and the esti-
17 mated effect upon the flow of the stream or streams to be
18 affected thereby.

Sect. 10. The commission is hereby authorized and di-
2 rected to confer with the director or the representative of
3 the United States Geological Survey and to accept its co-
4 operation with this state in the prosecution of hydrographic
5 and geological surveys and the preparation of a contour
6 topographical survey and map of this state, which are here-
7 by authorized to be made.

Sect. 11. The public utilities commission is hereby directed to turn over to the Maine Water Power Commission all records, maps, papers, instruments and property that were transferred to it by authority of chapter one hundred and twenty-nine of the public laws of nineteen hundred thirteen, and also all records, maps and papers that it has since compiled and collected in carrying out the provisions of law directing it to continue the work of the former water storage commission.

Sect. 12. Section nine, ten, twelve, thirteen and fourteen of chapter fifty-five of the revised statutes of nineteen hundred sixteen are hereby repealed.

Sect. 13. The sum of fifteen thousand dollars for the year nineteen hundred and nineteen, and fifteen thousand dollars for the year nineteen hundred twenty, or so much as may be necessary is hereby appropriated out of any fund in the treasury of the state not otherwise appropriated, to carry out the provisions of sections one to eleven inclusive of this act and any portion of said first mentioned sum of fifteen thousand dollars remaining unexpended on January first, nineteen hundred twenty shall be available for use by the commission during the year nineteen hundred twenty and the additional sum of five thousand dollars for the year nineteen hundred nineteen, and five thousand dollars for the year nineteen hundred twenty or so much as may be necessary, is hereby appropriated out of any fund in the treasury of the state not otherwise appro-

16 priated to carry out the provisions of section twelve of this
17 act relating to the hydrographic and geological surveys
18 to be made in connection with the United States Geological
19 Survey.