

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

SENATE

NO. 7

In Senate, Jan. 18, 1921.

Referred to Committee on Judiciary, and 1000 copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Baxter of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE

AN ACT to Amend Chapter One Hundred and Thirty-two,
Laws of Nineteen Hundred and Nineteen, Entitled "An Act
to Create the Maine Water Power Commission."

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

Section 1. Section one of chapter one hundred and thirty-
2 two, laws of nineteen hundred and nineteen, is hereby
3 amended by adding to said section the following paragraph:

Upon the expiration of the two-year term of the com-
2 mission as provided in the preceding paragraph, the com-
3 mission shall be composed of five members who shall be
4 appointed by the governor with the advice and consent of
5 the council: and it is further provided that two members

6 of the commission as provided by the preceding paragraph
7 shall be reappointed for a period of two years; that one
8 member shall be appointed for a period of four years; and
9 that all appointments thereafter shall be for a period of
10 four years. Any vacancies which may occur before the
11 completion of the term for which the appointment was made
12 shall be filled by appointment for the unexpired portion of
13 the term only. The chairman of the commission shall be
14 designated by the governor and any vacancy shall be filled
15 within sixty days after its occurrence.' So that said section
16 as amended shall read as follows:

'Section 1. The governor shall appoint ten citizens of the
2 state as hereinafter provided, who shall constitute a com-
3 mission to be known as the Maine Water Power Commis-
4 sion. Three of the commissioners shall be appointed with
5 the advice and consent of the council; one commissioner
6 shall be a member of the senate of the seventy-ninth legis-
7 lature, to be appointed upon recommendation of the presi-
8 dent of the senate; two commissioners shall be members of
9 the house of representatives of the seventy-ninth legislature,
10 to be appointed upon recommendation of the speaker of the
11 house; one commissioner shall be a member of the Maine
12 State Board of Trade, to be appointed upon recommenda-
13 tion of said board; one commissioner shall be a member of
14 the Maine State Grange, to be appointed upon recommenda-
15 tion of the said grange; one commissioner shall be a mem-
16 ber of the Maine State Federation of Labor, to be appointed

17 upon recommendation of the said federation; and one com-
18 missioner shall be a member of the Savings Bank Associ-
19 ation of Maine, to be appointed upon recommendation of
20 said association. The members of the commission shall be
21 appointed within thirty days after this act shall take effect;
22 they shall hold office for two years and the chairman of the
23 commission shall be designated by the governor. Any va-
24 cancy occurring in said commission shall be filled in the
25 same manner as by original appointment and recommenda-
26 tion, but such appointment shall be only for the unexpired
27 portion of the term in which such vacancy occurs. The
28 members of said commission shall each receive five dollars
29 per day while engaged upon work of the commission, and
30 they shall also be paid their actual and necessary expenses
31 incurred in the performance of their duties, except that the
32 members of the legislature, serving hereon, shall receive no
33 per diem compensation. Should either the Maine State
34 Board of Trade, Maine State Grange, Maine State Fed-
35 eration of Labor or Savings Bank Association of Maine
36 fail to recommend a member within thirty days after this
37 act shall take effect, or if after appointment in accordance
38 with the terms of this act a vacancy should occur with refer-
39 ence to one or more of the representatives of the within
40 named organizations, and such organization whose repre-
41 sentation has become vacant shall fail within thirty days
42 thereafter to recommend one of its members for such va-
43 cancy, the governor shall, with the advice and consent of

44 the council, within thirty days thereafter appoint a citizen
45 of the state to fill such vacancy. No member or employee
46 of said commission shall have any official or professional
47 connection or relation with, or hold any interest in, or stock
48 or securities in any water power or water storage reservoir
49 company operating within the state of Maine. No com-
50 missioner shall hold any other office of profit or trust under
51 the government of the United States or of this state, except
52 that members of the seventy-ninth legislature may be ap-
53 pointed to serve on this commission as herein provided, but
54 such members shall not be candidates for reelection to the
55 state legislature while serving as commissioners hereunder;
56 nor shall any commissioner serve on or under any commit-
57 tee of any political party. Commissioners under this act
58 may hold the office of justice of the peace and notary pub-
59 lic. Any wilful violation of the provisions of this act by
60 any commissioner shall constitute sufficient cause for his
61 removal by the governor with the advice and consent of
62 the council. Upon the expiration of the two-year term of
63 the commission as provided in the preceding paragraph, the
64 commission shall be composed of five members who shall
65 be appointed by the governor with the advice and consent
66 of the council; and it is further provided that two members
67 of the commission as provided by the preceding paragraph
68 shall be reappointed for a period of two years; that one
69 member shall be appointed for a period of four years; and
70 that all appointments thereafter shall be for a period of four

71 years. Any vacancies which may occur before completion
72 of the term for which the appointment was made shall be
73 filled by appointment for the unexpired portion of the term
74 only. The chairman of the commission shall be designated
75 by the governor and any vacancy shall be filled within sixty
76 days after its occurrence.'

Sect. 2. Section two of chapter one hundred and thirty-
2 two is hereby amended by adding the words 'legal counsel'
3 after the word "engineers" in line five of said section so
4 that said section as amended shall read as follows:

'Sect. 2. The commission may employ a competent en-
2 gineer with the title of chief engineer, who shall have charge,
3 under the direction of the commission, of the operations
4 under this act. The chief engineer is hereby authorized and
5 empowered to employ, subject to the approval of the com-
6 mission, such engineers, legal counsel, 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 by
10 the state for this purpose.'

Sect. 3. Section three of chapter one hundred and thirty-
2 two is hereby amended by adding to said section the fol-
3 lowing words: 'The commissioner shall thereafter render
4 an annual report to the governor and council as of January
5 first of each year in which the progress of its investigations
6 shall be reported together with such further recommenda-
7 tions as it may make under the provisions of this act,' so

8 that said section as amended shall read as follows :

‘Sect. 3. The commission shall adopt and have a seal and
2 shall be provided with a suitable office at the state house in
3 which its records shall be kept. On or before January first,
4 nineteen hundred and twenty-one, the commission shall ren-
5 der, to the governor and council, a report showing the prog-
6 ress made in its investigations and this report shall be trans-
7 mitted to the next legislature. If the commission is unable
8 to render a complete report with its final recommendations
9 thereunder on the date herein specified, it shall give the
10 reasons therefor together with an estimate as to what fur-
11 ther time will be needed to complete its work and render
12 a complete report. The commission shall thereafter render
13 an annual report to the governor and council as of January
14 first of each year in which the progress of its investigations
15 shall be reported together with such further recommenda-
16 tions as it may make under the provisions of this act.’

Sect. 4. Section four of chapter one hundred and thirty-
2 two is hereby amended by adding to said section the follow-
3 ing words : ‘including the daily discharge of rivers as com-
4 puted from data obtained at river gaging stations’, so that
5 said section as amended shall read as follows :

‘Sect. 4. The commission shall preserve all information
2 heretofore collected by the state water storage commission
3 and public utilities commission and shall thoroughly inves-
4 tigate the water power resources within the state of Maine,
5 the flow of rivers and their drainage area, the location,

6 nature and size of the lakes and ponds in the state and their
7 respective value and capacity as storage reservoirs and such
8 other hydrographic data as they shall deem of value in de-
9 termining the best methods for the immediate improvement
10 and development of water power resources within the state,
11 including the daily discharge of rivers as computed from
12 data obtained at river gaging stations.'

Sect. 5. Section twelve of chapter one hundred and thirty-
2 two is hereby amended by adding the word 'eleven' after
3 the word "ten" in line three of said section so that said
4 section as amended shall read as follows:

'Sect. 12. Sections nine, ten, eleven, twelve, thirteen and
2 fourteen of chapter fifty-five of the revised statutes are
3 hereby repealed.'

Sect. 6. Said chapter one hundred and thirty-two is here-
2 by amended by adding thereto the following paragraph:
3 'The sum of seven thousand five hundred dollars (\$7,500.00)
4 for the six months ending June 30, 1921, fifteen thousand
5 dollars (\$15,000.00) for the year ending June 30, 1922, and
6 fifteen thousand dollars (\$15,000.00) for the year ending
7 June 30, 1923, is hereby appropriated out of any fund in
8 the treasury of the state not otherwise appropriated to carry
9 out the provisions of this act, and any portions of said sums
10 remaining unexpended on June 30, 1921, and on June 30,
11 1922, shall be available for use by the commission during
12 the years ending June 30, 1922, and June 30, 1923; and the
13 additional sum of two thousand five hundred dollars

14 (\$2,500.00) for the six months ending June 30, 1921, and
15 five thousand dollars (\$5,000.00) for the year ending June
16 30, 1922, and five thousand dollars (\$5,000.00) for the year
17 ending June 30, 1923, is hereby appropriated out of any
18 fund in the treasury of the state not otherwise appropriated,
19 to carry out the provisions of section ten of this act, relating
20 to the hydrographic and geological surveys to be made in
21 connection with the United States Geological Survey, and
22 any portions of said sums remaning unexpended during the
23 period for which appropriated shall be available for use
24 during the years ending June 30, 1922, and June 30, 1923.