

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

SENATE

NO. 155

In Senate, March 24, 1921.

Reported by Mr. Gillin from Committee on Judiciary and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

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-two, laws of nineteen hundred and nineteen, is amended by substituting in place thereof the following paragraph:

'Section 1. Upon the expiration of the two-year term of the commission as now provided by law the governor shall appoint ten citizens of the state as hereinafter provided, who shall constitute a commission to be known as the Maine water power commission. Three of the commissioners

6 shall be appointed with the advice and consent of the council; one commissioner shall be a present or former member of the state senate, to be appointed by the governor; two commissioners shall be present or former members of the house of representatives to be appointed by the governor; one commissioner shall be a member of the Maine state board of trade, to be appointed upon recommendation of said board; one commissioner shall be a member of the Maine State Grange, to be appointed upon recommendation of the said grange; one commissioner shall be a member of the Maine State Federation of Labor, to be appointed upon recommendation of the said federation, and one commissioner shall be a member of the Savings Bank Association of Maine, to be appointed upon recommendation of said association. The members of the commission shall be appointed within thirty days after this act shall take effect; they shall hold office for two years and the chairman of the commission shall be designated by the governor. Any vacancy occurring in said commission shall be filled in the same manner as by original appointment and recommendation, but such appointment shall be only for the unexpired portion of the term in which such vacancy occurs. The members of said commission shall each receive five dollars per day while engaged upon work of the commission, and they shall also be paid their actual and necessary expenses incurred in the performance of their duties, except that the members of the legislature, serving hereon,

33 shall receive no per diem compensation. Should either the
34 Maine State Board of Trade, Maine State Grange, Maine
35 State Federation of Labor or Savings Bank Association
36 of Maine fail to recommend a member within thirty days
37 after this act shall take effect, or if after appointment in
38 accordance with the terms of this act a vacancy should oc-
39 cur with reference to one or more of the representatives
40 of the within named organizations, and such organization
41 whose representation has become vacant shall fail within
42 thirty days thereafter to recommend one of its members
43 for such vacancy, the governor shall, with the advice and
44 consent of the council, within thirty days thereafter ap-
45 point a citizen of the state to fill such vacancy. No mem-
46 ber or employee of said commission shall have any official
47 or professional connection or relation with, or hold any
48 interest in, or stock or securities in any water power or
49 water storage reservoir company operating within the State
50 of Maine. No commissioner shall hold any other office of
51 profit or trust under the government of the United States
52 or of this state, except that members of the legislature may
53 be appointed to serve on this commission as herein pro-
54 vided, but such members shall not be candidates for re-
55 election to the state legislature while serving as commis-
56 sioners hereunder; nor shall any commissioner serve on or
57 under any committee of any political party. Commission-
58 ers under this act may hold the office of justice of the peace
59 and notary public. Any wilful violation of the provisions

60 of this act by any commissioner shall constitute sufficient
61 cause for his removal by the governor with the advice and
62 consent of the council. The chairman of the commission
63 shall be designated by the governor and any vacancy shall
64 be filled within sixty 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 engi-
2 neer 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
5 and empowered to employ, subject to the approval of the
6 commission, such engineers, stenographers, clerks and other
7 subordinates as he may find necessary to carry out the pro-
8 visions of this act, but he shall not incur any expense in
9 excess of the amounts annually appropriated by the state
10 for this purpose.'

Sect. 3. Section three of chapter one hundred and thirty-
2 two is hereby amended by adding to said section the follow-
3 ing words: 'The commissioner shall thereafter render an
4 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
2 and shall be provided with a suitable office at the state house
3 in which its records shall be kept. On or before January
4 first, nineteen hundred and twenty-one, the commission shall
5 render, to the governor and council, a report showing the
6 progress made in its investigations and this report shall be
7 transmitted to the next legislature. If the commission is
8 unable to render a complete report with its final recom-
9 mendations thereunder on the date herein specified, it shall
10 give the reasons therefor together with an estimate as to
11 what further time will be needed to complete its work and
12 render a complete report. The commission shall thereafter
13 render an annual report to the governor and council as of
14 January first of each year in which the progress of its in-
15 vestigations shall be reported together with such further
16 recommendations as it may make under the provisions of
17 this act.'

Sect. 4. Section four of chapter one hundred and thirty-
2 two is hereby amended by adding to said section the fol-
3 lowing words: 'including the daily discharge of rivers as
4 computed from data obtained at river gaging stations,' so
5 that 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 sec-
4 tion 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 here-
3 by repealed.’

Sect. 6. Said chapter one hundred and thirty-two is here-
2 by amended by adding thereto the following paragraph:

‘The sum of seven thousand five hundred dollars (\$7,-
2 500.00) for the six months ending June thirtieth, nineteen
3 hundred and twenty-one, fifteen thousand dollars (\$15,-
4 000.00) for the year ending June thirtieth, nineteen hun-
5 dred and twenty-two, and fifteen thousand dollars (\$15,-
6 000.00) for the year ending June thirtieth, nineteen hundred
7 and twenty-three, is hereby appropriated out of any fund
8 in the treasury of the state not otherwise appropriated to
9 carry out the provisions of this act, and any portions of
10 said sums remaining unexpended on June thirtieth, nine-
11 teen hundred and twenty-one, and on June thirtieth, nine-
12 teen hundred and twenty-two, shall be available for use by
13 the commission during the years ending June thirtieth, nine-

14 teen hundred and twenty-two, and June thirtieth, nineteen
15 hundred and twenty-three; and the additional sum of two
16 thousand five hundred dollars (\$2,500.00) for the six months
17 ending June thirtieth, nineteen hundred and twenty-one, and
18 five thousand dollars (\$5,000.00) for the year ending June
19 thirtieth, nineteen hundred and twenty-two, and five thou-
20 sand dollars (\$5,000.00) for the year ending June thirtieth,
21 nineteen hundred and twenty-three, is hereby appropriated
22 out of any fund in the treasury of the state not otherwise
23 appropriated, to carry out the provisions of section ten of
24 this act, relating to the hydrographic and geological surveys
25 to be made in connection with the United States geological
26 survey, and any portions of said sums remaining unexpended
27 during the period for which appropriated shall be available
28 for use during the years ending June thirtieth, nineteen hun-
29 dred and twenty-two, and June thirtieth, nineteen hundred
30 and twenty-three.'