

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 297

In Senate, March 28, 1923.

Reported by Messrs. Putnam and Buzzell from Committee on Judiciary and Interior Waters 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-THREE

AN ACT to Amend Chapter One Hundred and Thirty-two of the Public Laws of Nineteen Hundred and Nineteen as Amended by Chapter Two Hundred and Three of the Public Laws of Nineteen Hundred and Twenty-one, 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. The governor shall appoint five citizens of the
2 state, as herein provided, who shall constitute a commission
3 to be known as the Maine water power commission. One
4 of the commissioners shall be appointed by the governor
5 with the advice and consent of the council; two of the

6 commissioners shall be the nominees of the then president
7 of the senate, and two of the commissioners shall be the
8 nominees of the then speaker of the house of representa-
9 tives. The nominees of the president of the senate and the
10 nominees of the speaker of the house of representatives,
11 shall, in the first instance, be nominated on or before the
12 first day of August, nineteen hundred and twenty-three, and
13 thereafter shall be nominated not less than thirty nor more
14 than sixty days prior to the expiration of their respective
15 terms; and such nominees shall be appointed by the govern-
16 or within thirty days after their respective nominations.
17 The terms of office of the commissioners first appointed
18 shall be as follows: The commissioners appointed upon
19 the nomination of the president of the senate shall hold
20 office for three years from the dates of their respective
21 appointments; the commissioners appointed upon the nomi-
22 nation of the speaker of the house of representatives shall
23 hold office for two years from the dates of their respective
24 appointments and the commissioner appointed with the ad-
25 vice and consent of the council shall hold office for one year
26 from the date of his appointment. Upon the expiration of
27 said terms and future terms appointment of a successor or
28 successors for three year terms shall be made.

A chairman of the commission shall be elected annually
2 by the members. Any vacancy occurring in the commission
3 shall be filled in the same manner as by original appoint-
4 ment for the balance of the unexpired term, provided, how-

5 ever, that nominations by the then president of the senate
6 and the then speaker of the house shall, in the case of
7 vacancies, be made within thirty days from the date of
8 vacancy, and the appointment shall be made within twenty
9 days from the date of nomination.

No commissioner shall have any official or professional
2 connection with, or hold any interest in any private water
3 power or water storage company operating within the state,
4 nor shall any commissioner or employee of the commission
5 serve on or under any committee of any political party.

The commissioners shall receive five dollars per day while
2 engaged upon the work of the commission and they shall
3 also be paid their actual and necessary expenses incurred in
4 the performance of their duties.

Sect. 2. The commission shall employ a competent en-
2 gineer, with the title of chief engineer and such other engi-
3 neers, stenographers, clerks and other subordinates as it
4 may find necessary, and may fix the salaries thereof within
5 the limits of the appropriation provided for the commis-
6 sion. The chief engineer shall have charge, under the
7 direction of the commission, of the operations under this
8 act.

The commission shall adopt and have a seal, and shall be
2 provided with a suitable office at the state house, in which
3 its records shall be kept.

Sect. 3. The commission shall preserve all information
2 heretofore collected and shall thoroughly investigate the

3 water power resources within the state of Maine, the dis-
4 charge of rivers and their drainage area, the location, na-
5 ture and size of the lakes and ponds in the state and their
6 respective value and capacity as storage reservoirs and such
7 other hydrographic data as they shall deem of value in
8 determining the best methods for the improvement and
9 development of the water power resources within the state.

Sect. 4. The commission shall investigate and report up-
2 on what rights remain to the state in the storage reservoirs
3 and basins and in the developed and undeveloped water
4 powers within the state, and whether these rights are in any
5 respect being adversely affected by any person, firm or
6 corporation, and shall investigate the present water power
7 resources within the state and on the public lands and
8 describe such water powers whether developed or unde-
9 veloped. The commission shall investigate and report upon
10 any and all violations of section one, chapter sixty of the
11 revised statutes of Maine. All of the reports mentioned
12 in this section shall be filed with the governor and council,
13 and fifteen hundred copies of the same, which shall con-
14 tain the reports of river discharge and water power in-
15 vestigations, shall be printed and available for general dis-
16 tribution on January first of each year, or as soon there-
17 after as may be practicable. The attorney general shall act
18 as counsel for the commission.

Sect. 5. The commission is hereby given full power and
2 authority to administer oaths, compel the attendance of wit-

3 nesses, the production of books and papers, to punish for
4 contempt and to do everything necessary and proper to
5 secure all the facts required to properly place before the
6 people of the state the true situation in regard to the water
7 power resources of the state, and shall present plans where-
8 by the water power resources of the state may be con-
9 served, used and developed for the benefit of all the people
10 of Maine.

Sect. 6. 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 and
14 statements shall be filed with the commission showing the
15 extent of the land to be flowed, the estimated number of
16 cubic feet of water that may be stored and the estimated
17 effect upon the flow of the streams to be affected thereby.

Sect. 7. The commission is hereby authorized and direct-
2 ed to confer with the director or representative of the

3 United States Geological Survey and to accept its co-opera-
4 tion with this state in the prosecution of hydrographic and
5 geological surveys and the preparation of a topographical
6 survey and map of this state, which are hereby authorized
7 to be made.

Sect. 8. The sum of fifteen thousand dollars for the year
2 ending June thirty, nineteen hundred and twenty-four, and
3 fifteen thousand dollars for the year ending June thirty,
4 nineteen hundred and twenty-five, is hereby appropriated to
5 carry out the provisions of this act; and any portions of
6 said sums remaining unexpended on June thirty, nineteen
7 hundred and twenty-four, shall be available for use by the
8 commission during the year nineteen hundred and twenty-
9 five. The sum of five thousand dollars for the year ending
10 June thirty, nineteen hundred and twenty-four, and five
11 thousand dollars for the year ending June thirty, nineteen
12 hundred and twenty-five, is hereby appropriated to carry
13 out the provisions of section seven of this act relating to
14 the topographic surveys to be made in co-operation with
15 the United States geological survey; and any portion of
16 said sums remaining unexpended on June thirty, nineteen
17 hundred and twenty-four, shall be available for use during
18 the year nineteen hundred and twenty-five.

Sect. 9. All acts and parts of acts inconsistent with the
2 provisions hereof are hereby repealed.