

# MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

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Senate Document

No. 121

S. P. 293

In Senate, Feb. 18, 1927.

Pursuant to Senate Order 1000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Mitchell of Aroostook.

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STATE OF MAINE

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

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AN ACT to Incorporate Fish River Power and Storage  
Company.

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

Section 1. *Corporators, Corporate Name.* Archibald R.  
2 Graustein, of Framingham, Commonwealth of Massachu-  
3 setts, E. C. Ryder, of Bangor, Sidney St. F. Thaxter and  
4 Robert A. Braman, of Portland, all in the State of Maine,  
5 their associates, successors and assigns are hereby made a  
6 body corporate by the name of Fish River Power and  
7 Storage Company with all the rights, powers and privileges,  
8 and subject to all the duties and obligations incident to  
9 corporations organized to sell, transmit, distribute and sup-  
10 ply electricity for light, heat and power under the general

11 laws of the state except as otherwise provided herein.

Sect. 2. *Location.* The principal office of said corpora-  
2 tion shall be located in the city of Portland, county of  
3 Cumberland, and said corporation may establish such other  
4 offices and places of business as it shall deem necessary or  
5 convenient for the transaction of its business.

Sect. 3. *Objects, Purposes and Powers.* The objects and  
2 purposes of said corporation are and said corporation is  
3 hereby authorized within the county of Aroostook and with-  
4 in the counties of Piscataquis and Somerset north of the  
5 northerly boundary of the fifth range of townships therein,  
6 except as hereinafter provided, to develop, generate, trans-  
7 mit, supply, sell and otherwise dispose of electricity for  
8 light, heat, power, manufacturing and mechanical purposes  
9 or for any lawful purpose or use to which the same now  
10 is or hereafter may be applied, including without limitation  
11 of any of the aforesaid, the authority to develop, generate,  
12 transmit, sell, supply, and otherwise dispose of electricity  
13 for the operation and use of any municipality in the afore-  
14 said territory; provided, however, that said corporation  
15 shall not, without the consent and approval of the public  
16 utilities commission obtained under the same proceedings  
17 as provided for under the general law, sell, distribute, furn-  
18 ish or supply electricity in any city or town to the munic-  
19 ipality itself or to any person, firm or corporation therein,  
20 in which any other person, firm or corporation is now  
21 legally conducting the business of making, distributing or

22 selling electric light, power or heat or is authorized so to do,  
23 except as to the companies to which it may be authorized  
24 so to do by section three of chapter sixty of the revised  
25 statutes. Nothing herein contained, however, shall be con-  
26 strued to prohibit said corporation from selling, distributing,  
27 furnishing, or supplying electricity in the State of Maine  
28 to any mills now or hereafter owned, operated or controlled  
29 by the International Paper Company or by any of its present  
30 or future subsidiaries. Except as provided in section six  
31 hereof, this corporation is expressly limited in its corporate  
32 powers as to the transmission of electricity to an area with-  
33 in the boundaries of the State of Maine. To carry out  
34 said purposes also in order that generating plants owned,  
35 operated or controlled by said corporation, or allied or affili-  
36 ated companies, on the Saint John River watershed, whether  
37 in Maine or in New Brunswick, may be operated as a  
38 unified and interconnected system, and also for the purpose  
39 of aiding navigation and the driving of logs the said cor-  
40 poration shall have the right to hold, store, regulate and  
41 control the flow of the waters of the Fish River, and all  
42 lakes, ponds, streams and other waters tributary thereto.

Sect. 4. *Authorized to Build Dams and Other Structures  
2 to Improve River Channels.* Said corporation may erect  
3 and maintain dams at convenient places on land which it  
4 may own or hereafter acquire along the rivers and other  
5 waters hereinbefore referred to and may hold, store, regu-  
6 late and control the waters raised by said dams and draw

7 down the same as may be required for the purposes afore-  
8 said; and said corporation is hereby empowered to flow  
9 such lands and property including state, public and reserved  
10 lots and property as may be necessary to carry out the  
11 provisions of this act and said corporation shall not be  
12 liable to any action at common law for damage caused by  
13 such flowage, but the damages for such flowage shall be  
14 ascertained and recovered in the manner provided in chapter  
15 ninety-seven of the revised statutes; said corporation shall  
16 be entitled to the benefits and be subject to the obligations  
17 of sections thirty-seven to forty-two, inclusive, of said chap-  
18 ter ninety-seven relating to the flowage of highways and  
19 town ways. In case any state, public or reserved lots or  
20 property are flowed, the state land agent, or such other  
21 person as may be designated by the governor and council,  
22 is hereby authorized with the approval of the governor and  
23 council, to agree upon the damages for such flowage and,  
24 in case the parties are unable to agree, is authorized to  
25 represent and act for the state in any proceedings to fix  
26 the damages as herein provided. All dams or other struc-  
27 tures authorized herein shall be so constructed with proper  
28 roll ways, sluice ways, gates and contrivances as to facili-  
29 tate and not impede or interfere with the floating or driving  
30 of logs and lumber. Such corporation may also erect, con-  
31 struct, operate and maintain canals, penstocks, sluices and  
32 other improvements, power generating stations and other  
33 buildings and structures, transmission and distribution lines

34 and systems and accessories to any or all of the foregoing  
35 as may be necessary or convenient for the purposes and  
36 powers hereinabove and below set out. Said corporation  
37 is further authorized to dredge, widen, straighten and im-  
38 prove the channel of the above-mentioned river and remove  
39 obstructions and bars in the same and in any of the lakes,  
40 ponds, streams and other tributary waters.

Sect. 5. *Transmission and Distribution Lines.* Said cor-  
2 poration is empowered to set poles and towers, extend wires  
3 and lines, and lay pipes and conduits, and maintain and  
4 operate the same, for the purposes of transmission, distri-  
5 bution and sale of electricity, upon, along, over, across and  
6 under the streets, roads and ways within the territory where-  
7 in it is hereby authorized to do business, subject, however,  
8 to the general law regulating the erection of poles and wires  
9 and the laying of pipes and conduits for such purposes.  
10 Said corporation is also authorized and empowered to take  
11 and hold as for public uses such lands or interests therein  
12 as may be necessary for the construction and operation of  
13 its transmission lines, and the proceedings in relation to  
14 such taking and the assessment of damages therefor shall  
15 be as provided in chapter sixty, section seventeen of the  
16 revised statutes, relating to telegraph and telephone lines.

Sect. 6. *Interchange of Power.* Except for the purpose  
2 of operating a railroad between a point in this state and a  
3 point or points beyond its confines and except as otherwise  
4 herein provided, said corporation shall not transmit or con-

5 vey beyond the confines of the state for the purpose of  
6 furnishing power, heat or light beyond such confines, any  
7 electric current nor shall it sell or furnish, directly or in-  
8 directly, to any person, firm or corporation, any electric cur-  
9 rent so generated to be transmitted or conveyed beyond  
10 the confines of the state for any of such purposes. Inas-  
11 much, however, as the development of power sites and  
12 storage areas under this charter is a part of a project for  
13 the development of the Saint John River watershed which  
14 lies partly in Maine and partly in New Brunswick, and  
15 since the operating of generating stations and the control  
16 of storage areas can be most economically and efficiently  
17 handled through interconnection as a unified system to the  
18 advantage of the consumers of electric current in Maine,  
19 said corporation is authorized to transmit and deliver in  
20 New Brunswick electric current to the Saint John River  
21 Power Company or its successors or assigns, provided, how-  
22 ever, that within each calendar year there shall be delivered  
23 to the said corporation in Maine by the said Saint John  
24 River Power Company or its successors or assigns, for  
25 consumption in Maine at least an equivalent number of  
26 kilowatt hours of electric current generated in New Bruns-  
27 wick by the Saint John River Power Company or its suc-  
28 cessors or assigns.

Sect. 7. *Importation of Power.* Inasmuch as the rights  
2 of storage and control of the waters herein given will enure  
3 to the benefit of the hydro-electric plant now being built by

4 the Saint John River Power Company at Grand Falls in  
5 the Province of New Brunswick, and as it is the purpose  
6 of this act to permit the operation of such station at Grand  
7 Falls with stations of the corporation created herein, as  
8 part of a unified and interconnected system, it is further  
9 provided that the corporation hereby created shall have the  
10 right and is hereby authorized to control the waters herein  
11 designated and regulate the flow thereof with reference to  
12 the operation of its own plants, those of the Saint John  
13 River Power Company, its successors and assigns, and any  
14 other plants located in the Saint John River watershed,  
15 whether in Maine or New Brunswick, in such manner as it  
16 shall find desirable in order to accomplish the most effective  
17 utilization thereof; provided, however, that, prior to the  
18 exercise in such manner and for such purposes of any of  
19 the rights of regulation and control of waters herein granted  
20 and in consideration of the rights so granted, a contract  
21 with the Saint John River Power Company for delivery  
22 in Maine for use in Maine of electric energy generated in  
23 New Brunswick and in addition to the amount exchanged  
24 under section six hereof shall have been executed on terms  
25 and on conditions and for a number of kilowatt hours  
26 satisfactory to the public utilities commission and also to  
27 the governor and council. The public utilities commission  
28 and the governor and council are hereby severally vested  
29 with jurisdiction upon petition of said corporation to ap-  
30 prove the terms and conditions of said contract, and the



31 public utilities commission is hereby further vested with  
32 jurisdiction upon the petition of any interested party, and  
33 upon such notice and procedure as it may prescribe, to hear  
34 and determine any other issues referred to it by the pro-  
35 visions of this act, and may enter appropriate orders with  
36 respect thereto. Nothing herein contained shall be held  
37 to divest such rights by reason of said contract being held  
38 invalid because of any present or future provisions of  
39 federal or state law.

Sect. 8. *Mill Act.* Nothing in this act contained shall  
2 preclude the corporation from proceeding under and having  
3 the benefit of the provisions of the mill act, namely, chapter  
4 ninety-seven of the revised statutes, but, in such event, the  
5 corporation shall be subject to the provisions of chapter  
6 two hundred and two of the laws of nineteen hundred and  
7 twenty-five.

Sect. 9. *Capital Stock.* Said corporation is authorized  
2 and empowered to fix the amount of its capital stock and  
3 the classes thereof and to increase the same from time to  
4 time, not exceeding however, in the aggregate five hundred  
5 thousand dollars, all subject to the approval of the public  
6 utilities commission.

Sect. 10. *Authorized to Issue Bonds.* Said corporation is  
2 authorized from time to time to issue bonds on such terms  
3 as it may deem necessary and to secure the same by pledge  
4 or mortgage of any or all of its franchises and any or all

5 of its property, present and future, all subject to the ap-  
6 proval of the public utilities commission.

Sect. 11. *First Meeting, How Called. Meetings of Di-*  
2 *rectors.* The first meeting of this corporation shall be  
3 called at Portland by a notice signed by any two of the  
4 corporators named in section one, setting forth the time,  
5 place and purpose of the meeting. Such notice shall be  
6 mailed to each of the corporators, postage paid, seven days  
7 at least before the day of such meeting. Any corporator  
8 may be represented at such meeting by proxy. Meetings of  
9 the board of directors may be held, for any purpose, within  
10 or without the state if the by-laws so provide.

Sect. 12. *Construction of Charter.* No provision of any  
2 other general or special act, whether passed prior or sub-  
3 sequent hereto at the present session of the eighty-third  
4 legislature, shall be held in any way to alter or affect the  
5 provisions of this act, unless such general or special act  
6 shall specifically so provide by reference hereto.

Sect. 13. *Forfeiture of Charter.* This act shall become  
2 null and void in six years from the day when the same takes  
3 effect unless the corporation herein created shall have or-  
4 ganized and commenced actual business.