

# MAINE STATE LEGISLATURE

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# EIGHTY-FOURTH LEGISLATURE

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**Senate Document**

**No. 78**

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S. P. 178

In Senate, Jan. 31, 1929.

Referred to Committee on Interior Waters and 2000 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Mitchell of Aroostook.

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## STATE OF MAINE

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

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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: Location.* Joseph Archambault of Fort Kent, Andrew J. Beck of Washburn, Robert A. Braman of Portland, Archibald R. Graustein of New York City, Allan E. Hammond of Van Buren, A. H. Rhineland of Van Buren, E. C. Ryder of Bangor, Florent Sanfacon of Grand Isle, Sidney St. F. Thaxter of Portland, their associates, successors and assigns, are hereby made a body corporate by the name of Fish River Power and Storage Company, hereinafter in this act called

10 "the Company." The principal office of the Company shall  
11 be located in the town of Fort Kent, county of Aroostook.  
12 The Company may establish such other offices and places  
13 of business as it shall deem necessary or convenient for the  
14 transaction of its business.

Sect. 2. *Objects and Purposes.* The objects and purposes  
2 of the Company are to develop, generate, and buy electricity,  
3 and to transmit, distribute, supply, sell and otherwise dis-  
4 pose of the same for all lawful purposes within the county  
5 of Aroostook except as hereinafter provided; to create and  
6 maintain storage basins as hereinafter authorized; and by  
7 means thereof to improve navigation and regulate and con-  
8 trol the flow of the waters affected thereby, and to facilitate  
9 the driving of logs to the mills in the Saint John river  
10 watershed contemplated by International Paper and Power  
11 Company and to other mills.

Sect. 3. *Powers.* Except as otherwise hereinafter pro-  
2 vided, the Company is hereby authorized and empowered  
3 to develop, generate, and buy electricity, and to transmit,  
4 distribute, supply, sell and otherwise dispose of the same  
5 for all lawful purposes within said county of Aroostook,  
6 and shall have all the rights, powers and privileges and shall  
7 be subject to all the duties and obligations incident to cor-  
8 porations organized to make, generate, sell, transmit, dis-  
9 tribute and supply electricity for light, heat and power un-  
10 der the general laws of the state. The Company may erect,  
11 construct, operate and maintain canals, penstocks, sluices

12 and other improvements, hydro and steam power generating  
13 stations, transmission and distribution lines, and accesso-  
14 ries to any or all of the foregoing, and may purchase, lease  
15 or otherwise acquire, hold, sell or otherwise dispose of any  
16 real or personal property, as may be necessary or convenient  
17 for the objects, purposes and powers in this act set out.

Sect. 4. *Authorized to Erect Dams.* In order to carry  
2 out the objects and purposes of the Company and that the  
3 power generating plants in the Saint John River watershed  
4 in Maine and New Brunswick may be operated as a unified  
5 and interconnected system whereby the waters of said river  
6 and its tributaries may be utilized so as to generate the  
7 maximum amount of hydro-electric energy, the Company  
8 is hereby authorized and empowered to erect and maintain  
9 dams on land which it may at any time own at or near the  
10 outlet of Eagle Lake in the Fish River watershed by which  
11 the waters of Eagle Lake and its tributary and connecting  
12 waters may be raised and held to a height not exceeding  
13 nineteen feet at said dam above mean low water mark in  
14 Eagle Lake, and at or near the outlet of Nadeau Lake in  
15 said watershed otherwise known as St. Froid Lake by which  
16 the waters of said Nadeau Lake and its tributary and con-  
17 necting waters may be raised and held to a height not ex-  
18 ceeding twenty-one feet at said dam above mean low water  
19 mark in said Nadeau Lake, and also dams on land which  
20 it may at any time own on the Fish River below the outlet  
21 of Eagle Lake; to erect and maintain a dam or dams to

22 such height as shall be approved by the public utilities com-  
23 mission on land which it may at any time own at or near  
24 or between Rankin Rapids and Cross Rock Rapids, some-  
25 times known as Golden Rapids, on the Saint John River ;  
26 to erect and maintain any cut-off dams which may be neces-  
27 sary to hold and retain the above-mentioned waters ; to  
28 dredge, widen, straighten and improve the channels of the  
29 above-mentioned waters ; to hold, store, divert, regulate and  
30 control the flow of the waters raised by said dams and draw  
31 down the same as may be required for the most effective  
32 operation of said power generating plants and to facilitate  
33 the driving of logs ; to erect and maintain wing dams, side  
34 dams, booms and piers in said waters ; to flow such lands  
35 and property, including state, public and reserved lots and  
36 property, as may be necessary to carry out the provisions  
37 of this act, and the Company shall not be liable to any  
38 action at law for damage caused by such flowage, but the  
39 damages therefor, unless arranged by mutual agreement,  
40 shall be ascertained and recovered in the manner provided  
41 by chapter ninety-seven of the revised statutes ; and to take  
42 and hold as for public uses such lands, properties and rights  
43 (not including state, public and reserved lots or parts there-  
44 of) as the Company may require for any of the aforesaid  
45 uses and purposes and such material as may be needed for  
46 erecting and maintaining any of its dams and works. All  
47 proceedings in relation to any such taking and the assess-  
48 ment of damages therefor shall be as provided in sections

49 eleven and twenty-two, both inclusive, of chapter sixty-one  
50 of the revised statutes. In case any state, public or re-  
51 served lots or property are flowed by any dam erected by  
52 the Company, the state land agent or such other person as  
53 may be designated by the governor and council is hereby  
54 authorized, with the approval of the governor and council,  
55 to agree upon the damages for such flowage and, in case  
56 the parties are unable to agree, is authorized to represent  
57 the state in any proceedings to fix the damages.

The Company shall be entitled to the benefits and be sub-  
2 ject to the obligations of sections thirty-seven to forty-two,  
3 inclusive, of said chapter ninety-seven relating to flowage  
4 of highways and townways. Before raising the waters in  
5 Eagle Lake the Company shall erect at its outlet under the  
6 direction and to the approval of the commissioner of in-  
7 land fisheries and game a proper fish screen above any dam  
8 built at said outlet in lieu of the fish screen now existing  
9 there. The area flowed by any dam or dams erected by  
10 the Company shall be cleared of standing timber, trees,  
11 dri-ki and debris caused by such flowage to such extent  
12 and in such manner as shall be specified by the commis-  
13 sioner of inland fisheries and game. All dams erected by  
14 the Company shall be so constructed with proper rollways,  
15 sluice ways, or gates as to facilitate the floating or driving  
16 of logs and lumber.

Sect. 5. *Restrictions regarding Allagash River, Saint John  
2 River and Wallagrass Stream.* Nothing in this act shall

3 be construed to authorize the Comapny to erect any dams  
4 or power generating stations on the Allagash River or its  
5 tributaries, or on the Saint John River or its tributaries,  
6 above the mouth of the Allagash River. Nothing in this  
7 act shall be construed to authorize the Company, without  
8 the written consent of the owner of the developed power  
9 or dam next below mentioned, to control the headwaters  
10 of Wallagrass Stream or to interfere with the operation of  
11 any developed power on Wallagrass Stream or with any  
12 dam erected or that shall be erected at the site on Lot  
13 Forty-two in Wallagrass Plantation described in section one  
14 of chapter two hundred and eight of the private and special  
15 laws of nineteen hundred and seventeen entitled "An Act  
16 to Authorize Fort Kent Electric Company to Erect and  
17 Maintain a Dam across Wallagrass Stream." Nothing in  
18 this act shall be construed to authorize the Company to in-  
19 terfere with any of the rights granted to the Fort Kent  
20 Electric Company in said chapter two hundred and eight  
21 of the private and special laws of nineteen hundred and  
22 seventeen or to authorize the Company to interfere with  
23 any of the rights granted to the Wallagrass Dam Company  
24 in chapter one hundred of the private and special laws of  
25 nineteen hundred and nineteen entitled "An Act to Incor-  
26 porate the Wallagrass Dam Company."

Sect. 6. *Transmission and Distribution Lines.* The com-  
2 pany is hereby authorized and empowered to set poles and  
3 towers, extend wires and lines, and lay pipes and conduits,

4 and maintain and operate the same, for the purposes of  
5 transmission, distribution and sale of electricity, upon, along,  
6 over, across and under the streets, roads and ways within  
7 the territory wherein it is hereby authorized to do business,  
8 subject, however, to the general law regulating the erection  
9 of poles and wires and the laying of pipes and conduits for  
10 such purposes. The company is also authorized and em-  
11 powered to take and hold as for public uses such lands or  
12 interests therein as may be necessary for the construction  
13 and operation of its transmission lines, and the proceedings  
14 in relation to such taking and the assessment of damages  
15 therefor shall be as in the case of railroads.

Sect. 7. *Restrictions on Sale of Power.* The company  
2 may sell electrical energy to the International Paper and  
3 Power Company, or its successors or assigns, or to any cor-  
4 porations owned or controlled by it or them for the use of  
5 any mills or manufacturing plants in Aroostook county  
6 owned or operated by it or any of them, but not to be resold  
7 by it or any of them, which it and they are hereby forbidden  
8 to do. The company may also sell electrical energy to the  
9 Gould Electric Company its successors or assigns. The  
10 company shall not sell electrical energy to any other cor-  
11 poration, municipality, quasi-municipal corporation, firm,  
12 association or individual, whether the same be a public  
13 utility or not, in or to be used in any territory in Aroostook  
14 county without having first obtained an order from the  
15 public utilities commission permitting it so to do, after pub-



16 lie notice and hearing and a finding that the Gould Electric  
17 Company and/or any corporation owned or controlled by  
18 it are not furnishing and will not furnish adequate service  
19 in said territory.

Sect. 8. *Interchange of Power.* Except as otherwise pro-  
2 vided in this section, no electric current generated by the  
3 company shall be transmitted outside the state contrary to  
4 the provisions of section one of chapter sixty of the re-  
5 vised statutes and acts amendatory thereof and additional  
6 thereto. Inasmuch as the development of power sites and  
7 storage areas by the company is a part of a project for  
8 development, as a whole, of portions of the Saint John river  
9 watershed which lie partly in Maine and partly in New  
10 Brunswick, and inasmuch as operation of the generating  
11 stations and storage works in said watershed can be most  
12 economically and effectively handled through inter-connec-  
13 tion as a unified system, all to the advantage of the state  
14 of Maine, the company may transmit and deliver electric  
15 current to Saint John River Power Company, its successors  
16 or assigns, in New Brunswick, provided the Saint John  
17 River Power Company, its successors or assigns, shall de-  
18 liver to the company in Maine in each calendar year at  
19 least an equivalent number of kilowatt hours of electrical  
20 energy generated in New Brunswick, and the company shall  
21 deliver the same to consumers and/or public utilities in  
22 Maine subject, however, to the restrictions of section seven  
23 hereof. The delivering into Maine of the electrical energy

24 allotted to Maine under the order of the international joint  
25 commission dated the twenty-eighth day of June, nineteen  
26 hundred and twenty-six, or any order that may be made  
27 supplemental thereto, shall not be deemed to be satisfaction  
28 in whole or in part of the foregoing requirement.

Sect. 9. *Compensating Power from New Brunswick.* In-  
2 asmuch as the rights herein given of storage and control  
3 of waters will enure not only to the benefit of hydro-electric  
4 plants in Maine, but also to the benefit of the hydro-electric  
5 plant of the Saint John River Power Company at Grand  
6 Falls, in the Province of New Brunswick, it is hereby de-  
7 clared that the state of Maine will be entitled to have allotted  
8 to Maine a share of the electrical energy that will be gen-  
9 erated at Grand Falls, New Brunswick, by use of the waters  
10 stored in Maine pursuant to this act. Accordingly, the  
11 rights of regulation and control of said waters provided for  
12 in this act shall not be exercised unless and until a contract  
13 shall have been executed by and between the company and  
14 Saint John River Power Company for delivery into Maine  
15 by it, or its successors or assigns, of electrical energy gen-  
16 erated in New Brunswick additional to the amount de-  
17 livered under section eight of this act. Said contract shall  
18 be for such number of kilowatt hours and on such terms  
19 and conditions as shall be approved by the public utilities  
20 commission. The delivery into Maine of the electrical en-  
21 ergy allotted to Maine under the order of the international  
22 joint commission, dated the twenty-eighth day of June,

23 nineteen hundred and twenty-six, or any order that may be  
24 made supplemental thereto shall not be deemed to be satis-  
25 faction in whole or in part of the obligation of Saint John  
26 River Power Company under the contract above in this  
27 section mentioned.

Sect. 10. *Capital Stock.* The company may fix the  
2 amount of its capital stock and the classes thereof and in-  
3 crease the same from time to time, not exceeding, however,  
4 in the aggregate one million dollars, all subject to the ap-  
5 proval of the public utilities commission.

Sect. 11. *Bonds and other Obligations.* The company  
2 may from time to time issue its bonds, notes and other obli-  
3 gations on such terms as it may deem necessary, and may  
4 secure the same by pledge or mortgage of any or all of its  
5 franchises and any or all of its property, present and future,  
6 all subject to the approval of the public utilities commission.

Sect. 12. *Public Utilities Commission.* The public utili-  
2 ties commission is hereby vested with jurisdiction, upon  
3 petition of any interested party and upon such procedure  
4 as it may prescribe, to hear and determine any of the mat-  
5 ters referred to it by the provisions of this act, and may  
6 make appropriate orders with respect thereto.

Sect. 13. *First Meeting: Meetings of Directors.* The  
2 first meeting of the company shall be called at Fort Kent  
3 by a notice signed by any two of the corporators named in  
4 section one, setting forth the time, place and purpose of the  
5 meeting. Such notice shall be mailed to each of the cor-

6 porators, postage paid, at least seven days before the date  
7 of such meeting. Any corporator may be represented at  
8 such meeting by proxy. A majority of such corporators  
9 present in person or represented by proxy shall constitute  
10 a quorum. Meetings of the board of directors may be held  
11 for any purpose within or without the state if the by-laws  
12 so provide.

Sect. 14. *Construction of Charter.* No provision of any  
2 general act or of any other special act passed at the present  
3 session of the eighty-fourth legislature, either prior or sub-  
4 sequent hereto, shall be held to alter or affect the provisions  
5 of this act, unless such general or special act shall specifi-  
6 cally so provide by reference hereto.

Sect. 15. *Forfeiture of Charter Rights.* This act shall  
2 become null and void,

(a) unless the company shall have organized and com-  
2 menced actual business within two years from the day when  
3 the same takes effect and

(b) unless, within four years from the day when this  
2 act takes effect, International Paper and Power Company,  
3 or its successors or a company owned or controlled by it  
4 or them, shall have begun actual construction in Aroostook  
5 county of a pulp or paper mill and the company hereby  
6 created shall have begun actual construction of a hydro-  
7 electric power generating plant on the Fish river at or below  
8 the outlet of Eagle lake, which said pulp or paper mill and  
9 power plant shall cost in the aggregate not less than \$1,500.-

10 000 and unless completion of said mill and power plant  
11 shall be prosecuted to completion with reasonable diligence.