

# MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

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E I G H T Y - S I X T H    L E G I S L A T U R E

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**Legislative Document**

**No. 29**

H. P. 14

House of Representatives, Dec. 5, 1933.

Referred to Committee on Judiciary. 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Representative Eldridge of Eastport.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND THIRTY-THREE

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**AN ACT to amend an Act entitled "An Act to Incorporate Dexter P. Cooper Incorporated, for the purpose of Developing and Utilizing the Power of the Tides in the Bay of Fundy and Waters Adjacent Thereto."**

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

**Sec. 1. P. & S. L. 1925, c. 111, § 9, amended.** Section 9 of chapter 111 of the private and special laws of 1925 is hereby amended to read as follows:

**Sec. 9. Initial construction to be completed in 20 years; exception if U. S. Government finances; initial construction defined; public utilities commission to decide.** The corporation shall, within 20 years after this act shall take effect, complete the initial construction of its works, otherwise this act shall be null and void. The initial construction shall mean the construction of its dams and other facilities to such extent as will produce sufficient power which when sold shall yield sufficient revenue to cover the operating costs of the production of such power. The public utilities commission of the state of Maine is hereby authorized to examine the works of the corporation to ascertain whether initial construction has been carried out and its decision in that respect shall be final. **This provision as**

to this act being null and void if initial construction is not completed as described above shall not, however, apply, if the United States Government, through the Public Works Administration or other federal agency, shall loan money for or otherwise finance, in whole or in part, said initial construction. The corporation may, after the completion of said initial construction make such additions and changes in its development as are necessary to meet the growth of the power market; Provided further that any and all rights in relation to tidal waters and the shores adjacent thereto herein granted or that might be acquired under the provisions of this charter that are not exercised or acquired within a further period of twenty-five years, or, if the United States Government through the Public Works Administration or other federal agency shall loan money for or otherwise finance in whole or in part said initial construction, within a further period ending at the last and final date of maturity of whatever obligation or obligations the corporation may incur in connection with said loan or financing which the United States Government may undertake or participate in, shall thereby lapse. Nothing in the last preceding sentence shall be construed to prevent the corporation at any time from making such additions and changes in its development for the purpose of utilizing international waters, as are necessary to meet the growth of the power market.

Sec. 2. P. & S. L. 1925, c. III, § 7, amended. Section 7 of chapter III of the private and special laws of 1925 is hereby amended to read as follows:

Sec. 7. Allocation of power between United States and Dominion of Canada; procedure; power may be transmitted outside the state; limitations. Inasmuch as the tide waters that will be utilized in the development of power, as provided for by this act, are international waters or waters wholly within the territorial boundaries of the United States, as provided for in section 11, as the case may be; if such waters shall be international waters, in furtherance of existing friendly international relations, but with a view to properly maintaining the rights and benefits naturally accruing to the people of the state from its natural resources, said corporation shall not exercise any of the powers and privileges herein granted unless and until such allocation of power, electrical or otherwise, generated by means of said tide waters, between the United States and the Dominion of Canada as shall be approved by the public utilities commission, shall be determined by the international joint commission having jurisdiction thereof, in accordance with the law and the treaty regulations between the United States and Great Britain, except that said corporation may perform such preliminary work as may be necessary for the performance and completion of the plants and specifications and apply to the United States, said

international joint commission and any other political authority for such permits as it may require to act in accordance with the provisions hereof after compliance with the conditions hereof. Such portion of power as may be allocated to the Dominion of Canada under the provisions hereof may be transmitted and sold there. Such portion of the power as may be allocated to the state of Maine or the United States and retained by the state as herein provided may be sold and transmitted by the corporation outside the state, **or, if the corporation shall develop and utilize the power of the tides wholly within the territorial boundaries of the United States as provided in section 11, said corporation may sell and transmit outside the state power,** as and when and in such quantities and otherwise as shall be approved by the public utilities commission, under such contracts, approved by the public utilities commission, as shall provide, for, and in such manner as shall preserve to the state, the right, to be exercised by order of the public utilities commission after due and ample notice and hearing thereon to enlarge, diminish and otherwise regulate the amount of such power to be permitted to be sold and transmitted outside the state, as may be deemed necessary by said public utilities commission to provide adequately for an amount of power to be utilized within the state, in the judgment of said commission sufficient for the necessities, comfort or convenience of the people of the state. No power whatever shall be so transmitted and sold out of the state except as may be from time to time determined by the public utilities commission to be in excess of demands within the state in accordance with any order of said commission, and no power so transmitted and sold within the state shall be by the purchaser thereof, directly or indirectly, transmitted and sold out of the state. It shall not be lawful for said corporation to transmit electric current generated in any other manner than by tide power beyond the limits of the state. The powers and privileges herein granted shall be exercised by said corporation only so long as the same are exercised in strict accordance with the provisions hereof and of any order of the public utilities commission made under the provisions hereof, and upon violation of any of the provisions and conditions hereof and of any such order or of any law or statute applicable to said corporation under the terms hereof this charter may be suspended and may be forfeited and said corporation terminated and dissolved by appropriate action to such end by the state as now or hereafter provided by law.

**Sec. 3. P. & S. L. 1925, c. 111, additional.** Chapter 111 of the private and special laws of 1925, and chapter 132 of the private and special laws of 1930, are hereby amended by adding the following section:

**Sec. 13. Powers and duties of Dexter P. Cooper, Inc.** In order to clear

up any doubts which may arise or have arisen as to the proper construction of section 1 of chapter 111 of the private and special laws of 1925, be it enacted, without in any way limiting the general provisions of said section 1, that Dexter P. Cooper, Inc., does and shall possess such powers, among others, possessed by, and is and shall be subject to such duties, among others, placed upon the corporations (organized to sell, distribute and supply electricity, for light, heat and power under the general laws of the state) as defined in chapter 68, section 8, section 9 and appropriate sections of section 11 to section 17, inclusive and the appropriate sections of section 27 to section 38, inclusive, of the revised statutes of Maine of 1930 as now or hereafter amended.