

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 316

S. P. 285

House of Representatives, Feb. 5, 1935.

Referred to Committee on Interior Waters and 500 copies ordered printed in concurrence.

HARVEY R. PEASE, Clerk.

Presented by Sen. Thatcher of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT to Confer Additional Rights and Powers Upon East Branch Improvement Company.

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

Sec. 1. Additional rights, powers and privileges, granted. The East Branch Improvement Company, a corporation incorporated by special act of the legislature of Maine entitled "An Act to incorporate the East Branch Improvement Company," approved March 18, 1903, and clothed with the rights, powers, privileges and authority conferred by that act and various acts amendatory thereof and additional thereto, is hereby granted additional rights, powers and privileges as hereinafter set forth.

Sec. 2. May make contracts. It may make a contract or contracts for the sale or use of water stored by it in Chamberlain Lake for manufacturing and power purposes to persons or corporations desiring the same on the Penobscot river or the East Branch of said river on such terms and conditions as its directors shall determine.

Sec. 3. May make further contracts. It may make a contract or contracts for the sale or use of water stored by it in Chamberlain Lake for manufacturing and power purposes to persons or corporations desiring the same on the Saint John river on such terms and conditions as its directors shall determine.

Sec. 4. Duration of contract. It may store water and operate its dams and works in accordance with such contracts, but in neither case shall the duration of such contracts exceed a term of 20 years.

Sec. 5. Special regulation in re St. John river. In such contract or contracts authorizing sale of use of water upon the Saint John river, such contract or contracts shall specifically provide that they may be terminated by the East Branch Improvement Company at any time on 2 years' notice in writing.

Sec. 6. Cancellation of contract. Whenever any responsible person, persons or corporations on the Penobscot or East Branch waters shall in writing request said East Branch Improvement Company to exercise the aforesaid right of cancellation of such contract or contracts for the sale of use of waters down the Saint John river because the use of Chamberlain Lake water is desired by such person, persons or corporations for manufacturing or power purposes on said Penobscot or East Branch, said East Branch Improvement Company shall thereupon exercise said right of cancellation.

Sec. 7. Special regulation in re Heron Lake Dam Company. Any such contract or contracts shall specifically provide that the water of Chamberlain Lake Dam shall at all times be handled in such a manner as not to interfere with the rights of the Heron Lake Dam Company chartered by chapter 389 of the private and special laws of Maine for the year 1846, to raise a head of water to permit the driving or floating of logs through the Thoroughfare from Churchill Lake into Eagle Lake and thence to Chamberlain Lake.

Sec. 8. Dams may be raised; damages, how determined. For the more effectual use of Chamberlain Lake stored water for the uses herein set forth, said company is authorized to raise Chamberlain Lake Dam and Telos Dam to the extent of not exceeding 5 feet. Any damages accruing to riparian owners by the raising of each of these dams shall be determined and paid in accordance with the provisions of chapter 106 of the revised statutes of the state of Maine, 1930, commonly termed the "Mill Act."

Sec. 9. Subordination of rights. All of the foregoing rights are subordinate to and without prejudice to the primary obligation of this company with reference to the driving of logs and wood through Chamberlain Lake and down the waters of Penobscot River.