

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 308

H. P. 795

House of Representatives, January 30, 1941.

On motion of Mr. Doughty of Gray tabled pending reference and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Doughty of Gray.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to the Raymond Fish Hatchery.

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

Sec. 1. Agreement cancelled. The commissioner of inland fisheries and game is hereby authorized to cancel the agreement entered into between Nellie M. Gifford, of Haddonfield, New Jersey and the state of Maine under date of August 1, 1903, under which agreement the state has heretofore maintained the Raymond Fish Hatchery Station on lands belonging to said Gifford.

Sec. 2. New lease to be secured. Before said agreement is cancelled the said commissioner shall secure from the said Nellie M. Gifford a new lease in the name of the state of Maine for the use of such lands, water supply and other riparian rights and privileges as the said commissioner may deem necessary for the use of said fish hatchery. Said lease to be for such term of years and provide for such annual rental to be paid by the state as may be mutually agreed upon, provided however, that such rentals shall not exceed \$200 per year in addition to any obligations assumed by the state as to the maintenance of the premises.

STATEMENT OF FACTS

When the State of Maine started the Fish Hatchery Station at the outlet of Panther Pond in Raymond in 1903 on lands of Nellie M. Gifford, an informal agreement was entered into, leasing to the State of Maine such land as might be required for the erection of buildings and the construction of ponds and other appurtenances, **reserving to the owner unrestricted use of the dam**, and no provision was made except possibly by inference, for the use by the State of the stored waters in the pond.

The mill owners on the Presumpscot River were at that time paying the owner a substantial sum each year for the control of said waters, and the 8" pipe line for the proposed hatchery was not expected to interfere with this arrangement. The use of water by the state, however, has greatly increased, and as a result the owner of the mill privilege no longer enjoys the annual rental formerly paid by the mill owners and question has arisen as to the rights of the state in the use of the stored waters.

To settle the matter amicably and without expense, it is proposed that a new lease, the terms of which may be mutually agreed upon, shall be authorized.