

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-Second  
Legislature

1925

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**Sec. 6. Municipal officer's tax warrants.** The treasurer of state, in his said warrants, shall require the said mayor and aldermen, selectmen or assessors respectively to pay or to issue their several warrants requiring the collectors of their several cities, towns and plantations, to collect and pay into the treasury of their respective cities, towns and plantations, the sums against said cities, towns and plantations, required by this act which said respective treasurers shall pay to the state treasurer on or before the first day of December, one thousand nine hundred twenty-six, and said mayor and aldermen, selectmen and assessors, respectively, shall return a certificate of the names of such collectors, with the sums which each collector may be required to collect, to said state treasurer, sometime before the first day of December, one thousand nine hundred twenty-six.

**Sec. 7. Delinquent municipalities.** When the time for the payment of a state tax to the treasurer of state has expired, and it is unpaid, the treasurer of state shall give notice thereof to the municipal officers of any delinquent city, town or plantation, and unless such tax shall be paid within sixty days the treasurer of state may issue his warrants to the sheriff of the county requiring him to levy, by distress and sale, upon the real and personal property of any of the inhabitants of the town, and the sheriff or his deputies shall execute such warrants, observing the regulations provided for satisfying warrants against deficient collectors, as prescribed by chapter eleven of the revised statutes.

**Sec. 8. School funds withheld from delinquent municipalities.** When any state tax assessed upon any city, town or plantation remains unpaid such city, town or plantation is precluded from drawing from the state treasury the school funds set apart for such city, town or plantation, so long as such tax remains unpaid.

Approved April 11, 1925.

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## Chapter 111.

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.

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

**Sec. 1. Corporators; corporate name; powers.** Dexter P. Cooper, Gertrude S. Cooper and F. A. Harvey of Eastport and E. H. Bennett of Lubec, in the county of Washington and state of Maine, their associates, successors and assigns, are hereby made a body corporate by the name of Dexter P. Cooper, Incorporated, with all the powers, rights and privileges, and subject to all the duties and obligations incident to corporations.

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organized to sell, distribute and supply electricity for light, heat and power under the general laws of the state, except as otherwise provided herein.

**Sec. 2. Location.** The principal office of said corporation shall be located in the city of Eastport, county of Washington, and said corporation may establish such other offices and places of business as it shall deem necessary and convenient in the transaction of its business.

**Sec. 3. Objects and purposes; specific purposes enumerated.** The objects for which the corporation is formed are: To develop and utilize the power of the tides of the bay of Fundy at or near Eastport and Lubec in the state of Maine; the project being located partly in Maine, United States of America, and partly in New Brunswick, Canada; to acquire all grants, rights, or privileges from the United States and Canada and Great Britain or from any state, county or municipality therein, necessary or proper to carry out such objects; to erect, construct, operate and maintain dams in Cobscook bay, Passamaquoddy bay at or near Eastport and Lubec, and such other dams and such canals, locks, docks, power stations, structures and other improvements and accessories as may be necessary or convenient to demonstrate, develop and utilize such tide power and to generate, accumulate, store, utilize, transmit and distribute electric energy and other power to be derived from such tide power; to appropriate, dam, pump, acquire, accumulate, transmit, sell, lease and supply tide power, and to manufacture, generate, acquire, accumulate, store, transmit, sell, lease, distribute and supply electric energy and power for any lawful purpose or use, public, or private, to which the same are now or hereafter may be applied, and to apply the same or any of them to any use or utilize them for any purpose; and to utilize such power for manufacturing purposes and to engage in manufacturing through the use of such power; provided, however, that said Dexter P. Cooper, Incorporated, shall not sell, distribute or supply electricity to any persons, firms or corporations in any city or town in which any other person, firm or corporation is legally conducting the business of making, distributing or selling electric light, power or heat or is authorized so to do, without the consent and approval of the public utilities commission, obtained under the same proceedings as provided for under the general law, except that it may sell and distribute electricity to any other public utility as provided under the general law.

**Sec. 4. Capital stock.** The capital stock of said corporation shall not exceed one million dollars, a part of which may be preferred stock, the amount of which stock, the proportion of preferred stock, and the privileges and conditions of such preferred stock, if issued, to be fixed and determined from time to time by the stockholders of said corporation, all subject to the approval of the public utilities commission.

**Sec. 5. Authorized to set poles, extend wires, lay pipes, etc.** Said corporation is hereby empowered for any of the purposes hereinbefore stated, to set poles, extend wires and lay pipes, and to maintain and operate the same upon, along, over, across and under the streets, roads and ways within the territory wherein it is hereby authorized to do business; subject, however, to the general law regulating the erection of poles and wires and the laying of pipes and conduits for the purpose of the transmission and sale of electricity.

**Sec. 6. Bond issue authorized.** Said company is hereby authorized to issue bonds for the construction of its works upon such rates and time and in such amounts as it may deem necessary and to secure the same by appropriate mortgage upon its franchises and property, present or future, all subject to the approval of the public utilities commission.

**Sec. 7. Allocation of power between United States and Dominion of Canada; procedure; power may be transmitted outside of 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, 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 plans 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 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 other-

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wise 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 such 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. 8. First meeting, how called.** The first meeting of this corporation may be called by any corporator, by mailing, postage prepaid, a written notice naming the time and place of such meeting, to each of the other corporators, seven days at least before the day of the meeting. Any member may act at such meeting by written proxy.

**Sec. 9. Initial construction to be completed in ten years; initial construction defined; public utilities commission to decide.** The corporation shall, within ten 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. 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 shall thereby lapse.

Sec. 10. State referendum provided for; form of question; secretary of state to furnish ballots. This act shall be submitted for approval or rejection to the duly qualified voters of the state at an election to be held the second Monday in September in the year A. D. nineteen hundred and twenty-five. The aldermen of cities, the selectmen of towns and the assessors of the several plantations in this state, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives to give their votes upon this act and the question shall be: "Shall the act providing for the incorporation of 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 including the right to transmit outside the state electric power generated by the tides under restrictions provided for therein be accepted?"

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the same expressing it by making a cross within the square opposite the word "yes" upon their ballots and those opposed to the question by making a cross within the square opposite the word "no" upon their ballots, and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the governor shall make known the fact by his proclamation and thereupon this act shall become law. The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing, accompanied by a copy thereof.

Approved April 11, 1925.