

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

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1895.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 279.

An Act to incorporate the Maine Water and Electric Power Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

- Corporators.** **SECT. 1.** Henry Ingalls of Wiscasset, Albert M. Card of Alna, Charles P. Collins of Bradford, Pennsylvania, James H. Linck of Williamsport, Pennsylvania, and William Doe of Duke Center, Pennsylvania, their associates, successors and assigns, are hereby made a body corporate by the name of the Maine Water and Electric Power Company, and as such shall possess all the powers and be subject to all the duties and obligations conferred and imposed on corporations by law except as otherwise provided herein.
- Corporate name.**
- purposes.** **SECT. 2.** The purposes of said corporation are the development, sale and use of water and electric power, with all the rights and powers necessary and incidental thereto, as herein granted and limited.
- Capital stock.** **SECT. 3.** The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each. Said corporation may hold real and personal estate necessary and convenient for its purposes aforesaid.
- May set poles, and extend wires, for transmitting electricity.** **SECT. 4.** Said corporation is hereby empowered to set poles and extend wires in and through the streets and ways of the towns of Whitefield, Alna and Wiscasset for the purpose of furnishing electric lights for public and private use in said towns, under such reasonable restrictions as may be imposed by the selectmen thereof, subject to the general laws of the state regulating the erection of posts and lines for the purposes of electricity. It is also empowered to transmit electric power for lease or sale to such points as may be feasible in such manner as may be expedient, and, subject to the general laws aforesaid, it may erect and maintain all posts, wires and fixtures necessary therefor, and to that end may cross navigable waters in such manner as shall in no way interfere with or incommode the public use thereof. Such power so transmitted may be used in the operation of any railroad or street railroad authorized by its charter or general law to use electricity.

SECT. 5. Said corporation is also authorized to furnish water for domestic and municipal uses in the towns of Whitefield and Alna. For that purpose it may lay and maintain pipes therein through any private lands, with the right to enter upon the same and dig therein, for the purpose of making all necessary repairs or service connections, and for the purposes aforesaid may lay its pipes under or over any water course, street, railroad, highway or other way, in such manner as not unnecessarily to obstruct the same, and may lay down, in and through the streets and ways of said towns and take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of its incorporation, under such reasonable restrictions as may be imposed by the selectmen of such towns.

May furnish water, etc.

—may lay down and maintain pipes, etc.

SECT. 6. Said corporation, for the purposes of this act, is authorized to take, as for public uses, any land, interests in real estate, water, water rights, water powers or privileges, along the Sheepscot river, Long lake and Sheepscot lake, from the farm of Oscar W. Boynton in Alna to the northerly limits of said Sheepscot lake, and on Pleasant pond and the stream running therefrom to said river, for the erection and maintenance of dams, tunnels, canals, and other structures required for the development and use of the water powers between said limits, and for the storage of water therein and thereon, and for the erection, use and maintenance of power stations therewith, and such other buildings as may be necessary for the full use thereof, and for such purposes may flow any lands or other privileges in so doing, so that the waters and water power between said limits may be controlled and used by said corporation for the purposes of this act.

May take land, water, etc.

SECT. 7. Said corporation shall file in the registry of deeds, for the county wherein the property affected may lay, plans of the location of all land, water, flowage and water rights taken under the provisions of this act and no entry shall be made on any lands, except to make surveys, until the expiration of ten days from said filing; and with such plan, the said company may file a statement of the damages it is willing to pay to any person for any property rights so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against such person, otherwise such person shall recover costs against the company.

Shall file plans of location.

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Shall be held liable to pay all damages.

—how damage shall be ascertained.

—proviso.

Shall file plans and specifications of works.

—shall pay inspector for his services.

May purchase land and water rights.

SECT. 8. Said corporation shall be held liable to pay all damages that may be sustained by any person by the taking of any lands, water, water rights, water power or privilege, or by flowage, or by excavation, and also for all damages for any other injuries resulting from any of the acts herein authorized, including damages of any kind to any water power or privilege howsoever caused, and if any person sustaining damage as aforesaid shall not agree with said corporation upon the sum to be paid therefor, either party may cause such damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, with the same rights of appeal. Failure to apply for such damages within two years shall be held to be a waiver of the same. All such damages shall be a first lien on the property and franchise of said company until paid in full with costs.

Provided, however, that any person suffering annual damage by reason of flowage or by diversion of water, may, at his option, have his damage ascertained and allowed in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in chapter ninety-two of the revised statutes in the case of the flowage of lands and diversion of water for the supply of mills.

SECT. 9. Said corporation, before erecting any dams or embankments for the storage of water on Sheepscoot lake, shall file its plans and specifications thereof in the registry of deeds for Lincoln county, for public inspection, with the certificate of the inspector of dams and reservoirs, appointed under chapter ninety-two of the revised statutes, stating therein that in his judgment they are safe and sufficient. After completion thereof, said corporation shall also file a similar certificate that such works are safe and sufficient. The company shall pay such inspector for his services and expenses. The supreme judicial court, in equity, shall have power by appropriate process to enforce this section on petition of the county commissioners for Lincoln county or the selectmen of any town therein.

SECT. 10. Said company is authorized to acquire and hold by purchase such other lands and water rights, connected with the waters herein named, as may be convenient. And whenever, on said waters, it may acquire title, it may erect and

maintain dams, canals, buildings, and do and perform such other acts as may be necessary for the purposes of its incorporation, and as may be lawful in the premises. It is authorized to cut and maintain canals from its dams, and for that purpose may take, occupy and enclose any lands adjoining the same, which may be necessary for building or repairing the same, and for other necessary purposes, on each side thereof; and may blow up and remove any rocks in said waters, deepen the channels thereof, and dig any of the land near thereto when necessary.

—may cut and maintain canals, etc.

SECT. 11. Said company shall in all cases be liable to pay to any town all sums recovered against it for damages by reason of any fault or neglect of said company together with reasonable counsel fees and costs, with interest; provided, said company shall have notice of any suit wherein such damages are claimed, and shall be allowed to defend the same at its own expense.

Shall be liable to towns for fault or neglect.

—proviso.

SECT. 12. Said company is authorized to make contracts with said towns for water for public uses, and also for public lighting. And said towns, and any municipal corporation in either of them, are authorized to so contract for a term of years. The said corporation is authorized to sell or lease any surplus power by it not sold or leased for the purposes hereinbefore named.

May make contracts to supply water, etc.

SECT. 13. For the purpose of carrying out the foregoing provisions, or either of them, said company is authorized to issue its bonds in such form and amount and on such time and rates as it may deem expedient, and secure the same by mortgage of its property and franchises.

May issue bonds.

SECT. 14. The dam to be built by said corporation at the foot of Long lake shall be erected at a point below the present mill of George S. Burrill and shall be so erected and maintained as not to interfere with said mill or appurtenances or with the operation thereof. The right of taking conferred by this act shall not extend to the said mill, the land now under lease therewith to said Burrill, nor to the boomage rights held by him under lease or otherwise; provided, however, so much of said land below said mill as may be necessary for the erection and maintenance of said dam may be taken under the limitations of this act. The said corporation is authorized to purchase and hold the franchise of the Lawry Dam Com-

Location of dam.

—may purchase the franchise of the Lawry Dam Co.

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pany, and on filing certificate thereof, in the office of the secretary of state, the charter of said Lawry Dam Company shall become null and void, and until said purchase, or the repeal of said charter of the Lawry Dam Company, all dams erected by the corporation created by this act, except the dams below said Burrill's mill, shall be provided at all times with suitable and convenient sluiceways for the passage of logs, and flood gates for passage of sufficient water for driving logs; and until such purchase or repeal, said dams shall be so operated as to facilitate the driving of logs until the twentieth day of May of each year as far down as Long lake. No more water is to be used for this purpose than reasonably required for driving such logs.

—proviso.

Provided, however, that none of the rights and powers conferred by this act shall be so construed as to impair or conflict with any of the rights and powers of the Lawry Dam Company.

First meeting,
how called.

SECT. 15. The first meeting of said corporation shall be called by notice in writing, signed by any two corporators, to be served in hand or by mail, postage prepaid, at least ten days before the day appointed therefor. At such meeting any corporator may be represented and act by proxy.

Act null, if
works are not
commenced
within two
years.

SECT. 16. This act shall be null and void unless said corporation shall actually commence business within two years from the approval hereof.

SECT. 17. This act shall take effect when approved.

Approved March 26, 1895.

Chapter 280.

An Act to supply the city of Hallowell with pure water.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

City may take
water from
Cobbossee-
contee
stream.

SECT. 1. The city of Hallowell is hereby authorized to take, hold and convey into, about and through the said city from any point in Cobbosseecontee stream that may be deemed expedient, between the dam at the outlet of Cobbosseecontee Great pond and dam number eight, on said stream, water sufficient for the use of said city and the inhabitants thereof for domestic and municipal purposes; and may flow,