

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 70.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-FIVE,

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 :*

SECTION 1. Henry Ingalls of Wiscasset, Albert M. Card
2 of Alna, Charles P. Collins of Bradford, Pennsylvania,
3 James H. Linck of Williamsport, Pennsylvania, and Wil-
4 liam Doe of Duke Centre, Pennsylvania, their associates,
5 successors and assigns, are hereby made a body corporate
6 by the name of the Maine Water and Electric Power Com-
7 pany, and as such shall possess all the powers and be sub-
8 ject to all the duties and obligations conferred and imposed
9 on corporations by law, except as otherwise provided
10 herein.

SECT. 2. The purposes of said corporation are the
2 development, sale and use of water and electric power,

3 with all the rights and powers necessary and incidental
4 thereto, as herein granted and limited.

SECT. 3. The capital stock of said corporation shall be
2 five hundred thousand dollars, divided into shares of one
3 hundred dollars each. Said corporation may hold real and
4 personal estate necessary and convenient for its purposes
5 aforesaid.

SECT. 4. Said corporation is hereby empowered to set
2 poles and extend wires in and through the streets and ways
3 of the towns of Whitefield, Alna and Wiscasset for the
4 purpose of furnishing electric lights for public and private
5 use in said towns, under such reasonable restrictions as
6 may be imposed by the selectmen thereof, subject to the
7 general laws of the State regulating the erection of posts
8 and lines for the purposes of electricity. It is also
9 empowered to transmit electric power for lease or sale to
10 such points as may be feasible in such manner as may be
11 expedient, and, subject to the general laws aforesaid, it
12 may erect and maintain all posts, wires and fixtures neces-
13 sary therefor, and to that end may cross navigable waters
14 in such manner as shall in no way interfere with or incom-
15 mode the public use thereof. Such power so transmitted
16 may be used in the operation of any railroad or street rail-
17 road authorized by its charter or general law to use
18 electricity.

SECT. 5. Said corporation is also authorized to furnish
2 water for domestic and municipal uses in the towns of
3 Whitefield and Alna. For that purpose it may lay and
4 maintain pipes therein through any private lands, with the
5 right to enter upon the same and dig therein, for the pur-
6 pose of making all necessary repairs or service connec-

7 tions, and for the purposes aforesaid may lay its pipes
8 under or over any water course, street, railroad, highway
9 or other way, in such manner as not unnecessarily to
10 obstruct the same, and may lay down, in and through the
11 streets and ways of said towns and take up, replace and
12 repair all such pipes, aqueducts and fixtures as may be
13 necessary for the purposes of its incorporation, under
14 such reasonable restrictions as may be imposed by the
15 selectmen of such towns.

SECT. 6. Said corporation, for the purposes of this act,
2 is authorized to take, as for public uses, any land, inter-
3 ests in real estate, water, water rights, water powers or
4 privileges along the Sheepscott river, Long lake and
5 Sheepscott lake, from the farm of Oscar W. Boynton in
6 Alna to the northerly limits of said Sheepscott lake, and
7 on Pleasant pond and the stream running therefrom to
8 said river, for the erection and maintenance of dams, tun-
9 nels, canals, and other structures required for the devel-
10 ment and use of the water powers between said limits,
11 and for the storage of water therein and thereon, and for
12 the erection, use and maintenance of power stations there-
13 with, and such other buildings as may be necessary for
14 the full use thereof, and for such purposes may flow any
15 lands or other privileges in so doing, so that the waters
16 and water power between said limits may be controlled
17 and used by said corporation for the purposes of this Act.

SECT. 7. Said corporation shall file in the registry of
2 deeds, for the county wherein the property affected may
3 lay, plans of the location of all land, water, flowage and
4 water rights taken under the provisions of this act and no
5 entry shall be made on any lands, except to make surveys,

6 until the expiration of ten days from said filing; and
7 with such plan, the said company may file a statement of
8 the damages it is willing to pay to any person for any
9 property rights so taken, and if the amount finally
10 awarded does not exceed that sum, the company shall
11 recover costs against such person, other wise such person
12 shall recover costs against the company.

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

Provided, however, that any person suffering annual
19 damage by reason of flowage or by diversion of water,
20 may, at his option, have his damage ascertained and
21 allowed in the same manner and under the same condi-
22 tions, restrictions and limitations as are by law prescribed
23 in chapter ninety-two of the Revised Statutes in the case

24 of the flowage of lands and diversion of water for the
25 supply of mills.

SECT. 9. Said corporation, before erecting any dams or
2 embankments for the storage of water on Sheepscot lake,
3 shall file its plans and specifications thereof in the registry
4 of deeds for Lincoln county, for public inspection, with
5 the certificate of the inspector of dams and reservoirs,
6 appointed under chapter ninety-two of the Revised Stat-
7 utes, stating therein that in his judgment they are safe
8 and sufficient. After completion thereof, said corporation
9 shall also so file a similar certificate that such works are
10 safe and sufficient. The company shall pay such inspec-
11 tor for his services and expenses. The supreme judicial
12 court, in equity, shall have power by appropriate process
13 to enforce this section on petition of the county commis-
14 sioners for Lincoln county or the selectmen of any town
15 therein.

SECT. 10. Said company is authorized to acquire and
2 hold by purchase such other lands and water rights, con-
3 nected with the waters herein named, as may be conven-
4 ient. And, whenever, on said waters, it may acquire
5 title, it may erect and maintain dams, canals, buildings
6 and do and perform such other acts as may be necessary
7 for the purposes of its incorporation and as may be lawful
8 in the premises. It is authorized to cut and maintain
9 canals from its dams, and for that purpose, may take,
10 occupy and enclose any lands adjoining the same, which
11 may be necessary for building or repairing the same, and
12 for other necessary purposes, on each side thereof; and
13 may blow up and remove any rocks in said waters, deepen
14 the channels thereof, and dig any of the land near thereto
15 when necessary.

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

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

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

SECT. 14. The dam to be built by said corporation at
2 the foot of Long lake shall be erected at a point below
3 the present mill of George S. Burrill and shall be so
4 erected and maintained as not to interfere with said mill
5 or appurtenances or with the operation thereof.

The right of taking conferred by this act shall not extend
7 to the said mill, the land now under lease therewith to
8 said Burrill, nor to the boomage rights held by him under
9 lease or otherwise; provided, however, so much of said
10 land below said mill as may be necessary for the erection
11 and maintenance of said dam may be taken under the
12 limitations of this act. The said corporation is authorized

13 to purchase and hold the franchise of the Lawry Dam
14 Company, and on filing certificate thereof in the office of
15 the secretary of state, the charter of said Lawry Dam
16 Company shall become null and void, and until said pur-
17 chase, or the repeal of said charter of the Lawry Dam
18 Company, all dams erected by the corporation created by
19 this act, except the dams below said Burrill's mill, shall
20 be provided at all times with suitable and convenient
21 sluiceways for the passage of logs, and flood gates for
22 passage of sufficient water for driving logs; and until such
23 purchase or repeal, said dams shall be so operated as to
24 facilitate the driving of logs until the twentieth day of
25 May of each year as far down as Long lake. No more
26 water is to be used for this purpose than reasonably
27 required for driving such logs.

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

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

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

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

STATE OF MAINE,

IN SENATE, February 8, 1895.

Reported by Mr. MARSTON, from Committee on Interior Waters, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.