

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventieth Legislature.

HOUSE.

No. 229

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ONE.

AN ACT to incorporate the Union River Water Storage
Company.

*To the Honorable Senate and House of Representatives, in
Legislature assembled:*

Section I. The firm of Whitcomb, Haynes & Co., of Ells-
2 worth; Eugene Hale, Andrew P. Wiswell, Arno W. King,
3 and Jere T. Giles, jointly; the Ellsworth Water Company, a
4 corporation; Charles J. Treworgy, Henry M. Hall, E. H.
5 Greely, A. C. Hagerthy and H. W. Cushman, jointly; and
6 their heirs, successors or assigns, are hereby created a body
7 corporate under the name of the Union River Water Storage
8 Company, for the purpose of making such improvements in

9 Union river and its tributary waters as will enable them to
10 store or hold water for the purpose of increasing and render-
11 ing more constant the power or energy of said Union river,
12 and for that purpose, may acquire or erect and maintain
13 dams or other structures at the outlets of any of the lakes or
14 ponds, or upon any of the streams tributary to said Union
15 river, (except the east branch thereof, so called) and may
16 flow any of said lakes and streams to such height as may be
17 necessary for the purposes of this corporation, and in their
18 said corporate name, may sue and be sued, plead and be
19 impleaded, and shall enjoy all proper remedies at law and
20 in equity to secure and protect them in the exercise and use
21 of their rights and privileges and in the performance of their
22 duties.

Sect. 2. Said corporation is hereby authorized to purchase
2 and hold any estate, real and personal, including the right to
3 purchase and hold shares in the capital stock of any other
4 corporation owning rights or privileges in or to the waters
5 or powers of said Union river and its tributaries, and to make
6 and adopt by-laws not repugnant to the constitution and laws
7 of the state of Maine, but all dams and other structures
8 authorized herein shall be so constructed as to facilitate and
9 not to impede or interfere with the proper driving or floating
10 of logs and wood.

Sect. 3. The capital stock of said corporation shall be ten
2 thousand dollars, divided into shares of ten dollars each, and
3 each share shall entitle its holder to one vote at all stock-
4 holders' meetings.

Sect. 4. Previous to the first meeting of said corporation,
2 twelve shares of its capital stock shall be subscribed and paid
3 for in full, as follows: One share by E. H. Greely, H. W.
4 Cushman and A. C. Hagerthy, jointly, as owners of the
5 eastern power or privilege on the lowest or first waterfall of

6 said Union river; one share by said Greely, Cushman and
7 Hagerthy, jointly, as owners of the western power or privi-
8 lege on said first waterfall; one share by the said Hale, Wis-
9 well, King and Giles, jointly, as owners of the eastern power
10 or privilege on the next upper or second waterfall; one share
11 by the said Hale, Wiswell, King and Giles, jointly, as owners
12 of the western power or privilege on said second waterfall;
13 one share by Henry M. Hall as owner of the eastern power on
14 the third waterfall; one share by said Henry M. Hall as owner
15 of the western power on said third waterfall; one share by
16 the Ellsworth Water Company as owner of the eastern power
17 on the fourth waterfall; one share by said Ellsworth Water
18 Company as owner of the western power on said fourth
19 waterfall; one share by said Whitcomb, Haynes & Co. as
20 owner of the eastern power on the fifth waterfall; one share
21 by said Charles J. Treworgy as owner of the western power
22 on said fifth waterfall; one share by Whitcomb, Haynes &
23 Co. as owner of the eastern power on the sixth waterfall, and
24 one share by said Whitcomb, Haynes & Co. as owner of the
25 western power on the sixth waterfall; and no shares of said
26 capital stock shall be at any time sold to or owned by persons
27 or corporations not owners of at least one of said powers or
28 privileges enumerated or described above.

Sect. 5. After said first meeting, stock may be issued as
2 subscribed and paid for to owners of said powers or privi-
3 leges, but only in such amounts as has been previously voted
4 to be raised for the purpose of expenditure under this charter
5 by a majority vote of the board of directors at a regular or
6 special meeting, and whenever the amount so voted to be
7 raised, shall have reached the sum of two thousand dollars
8 during any one calendar year, any further sums voted to be
9 raised and subscribed for during that same year shall require
10 and receive an unanimous vote of the board of directors.

Sect. 6. Owners of the described waterpowers and privileges shall at all times have the right to subscribe equally for stock to be issued, and any transfer of ownership of any of the waterpowers or privileges described and enumerated shall carry with it the transfer of the capital stock in this corporation then standing in the name of the owner or owners of said waterpower or privilege so transferred, but should the owners of any of the described waterpowers or privileges refuse or neglect, for ten days after such meeting and vote of directors, to subscribe for his or their proportional part, as set forth in section 4 of this act, then the other stockholders subscribing therefor within such time shall be entitled to the same equally according to the number of single waterpowers owned by those so subscribing therefor, provided that the owner or owners of any waterpower or privilege who at any time shall be delinquent in stockholdings and sums subscribed for the same, shall have the right to purchase back and be entitled to receive from the other stockholders holding the same, the stock not subscribed and paid for by them proportionally, upon tender of the proper amount of money to make their holdings equal with the others.

Sect. 7. Said corporation is authorized through and by its directors to regulate the volume and flow of water released from any of its storage reservoirs, and the times for releasing the same, and may by its by-laws provide for the charge and collection of rates or payments of money by users for power purposes of any of its artificially stored and released water, if any users there be whose stockholdings are less in amount than their proportional part of the whole stock issued, according to the apportionment of interests set forth in section 4 of this act, and said charges may be recovered by said corporation before any justice of the supreme judicial court under proceedings in equity for the purpose brought against

13 the owner or owners of the power or privilege so delinquent
14 in stockholdings, but said charge or rates shall be made only
15 for artificially stored and released water actually used for
16 power purposes, and not fully contributed to in stockholdings
17 by said user or power owner, and shall in no case be at a rate
18 greater than one dollar per additional horse-power so fur-
19 nished per month of two hundred and sixty hours, or at that
20 rate for less time.

Provided, however, that the volume and flow of water from
22 the storage reservoirs of the company shall be so regulated
23 as to furnish as nearly as possible, an equal, continuous flow
24 of water in the Union river for the whole twenty-four hours
25 of each and every day; except that the directors shall have
26 the power to increase or decrease such equal daily flow to
27 such extent and at such times and for such periods as may
28 be assented to by all the waterpower owners herein named
29 and their successors in such ownerships.

Sect. 8. Said corporation is hereby empowered to take and
2 hold as for public uses, such lands and property as may be
3 necessary for the purposes of said corporation as herein pro-
4 vided, and such material as may be needed for erecting and
5 maintaining its retaining dams and structures, and in case
6 said corporation cannot agree with the owner or owners as
7 to the amount of property to be taken, or the price to be paid
8 therefor, the same shall be determined by the county com-
9 missioners of Hancock county, upon application of any party
10 interested to said county commissioners, in the same manner
11 as damages are assessed for the location, alteration, and dis-
12 continuance of highways, as provided in chapter 18 of the
13 Revised Statutes of 1883, and acts amendatory thereof and
14 additional thereto, and the same rights of appeal from the
15 decision of said county commissioners shall exist and may
16 be prosecuted in the same manner as provided in said chapter

17 18 and acts amendatory thereof and additional thereto; said
18 corporation is hereby empowered also to flow such lands as
19 may be necessary to carry out the purposes of this act, and
20 said corporation shall be liable for all damages by said flow-
21 ing, to be ascertained and determined in the manner pre-
22 scribed in chapter 92 of the Revised Statutes.

Sect. 9. Any corporation, any co-partnership and any
2 individuals as joint owners named as incorporator in this act
3 is or are hereby empowered to take and hold stock in this
4 corporation, and at any meeting of this corporation or on
5 other occasions, may be represented, vote, and act, respec-
6 tively, by such person or committee as its directors may
7 delegate.

Sect. 10. The supreme judicial court has equitable juris-
2 diction over this corporation, its successors and assigns, and
3 all parties interested, to regulate the use of the water stored
4 in the lakes and reservoirs held under this charter, and the
5 rights of the members between themselves.

Sect. 11. If any person shall wantonly or maliciously
2 injure any of the dams or structures which may be con-
3 structed by said corporation, he shall on conviction thereof,
4 be punished by a fine not exceeding five hundred dollars, or
5 by imprisonment not exceeding one year, and shall be liable
6 also to pay triple damages to said corporation, to be recovered
7 in an action before any court of competent jurisdiction.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 25, 1901.

Reported by Mr. GREENE of Madison, from Committee on Interior
Waters, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*