

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventieth Legislature.

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SENATE.

No. 138

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## STATE OF MAINE.

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

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AN ACT to incorporate the Frankfort Power Company.

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

Section 1. Albert Peirce, Frank L. Tyler, Darius K.  
2 Drake, John Peirce and James F. Hurley, their associates,  
3 successors and assigns are hereby created a body politic  
4 and corporate by the name of Frankfort Power Company.

Sect. 2. The capital stock of said company shall be  
2 fifty thousand dollars. It may be increased from time to  
3 time, by a vote representing a majority of the capital  
4 stock issued, but shall never exceed one million dollars.

Sect. 3. The purposes of said company shall be to store  
2 and regulate the flow of the waters of Marsh river, in the

3 county of Waldo, so that said waters may be economically  
4 employed for manufacturing and mechanical purposes; to  
5 erect and maintain mills and factories at Frankfort, in  
6 said county of Waldo; to furnish water power for manu-  
7 facturing and mechanical purposes; and to generate,  
8 make, sell, distribute and supply electricity and electrical  
9 power for lighting, heating, manufacturing, mechanical  
10 and transportation purposes, in any or all towns in said  
11 county of Waldo, except the city of Belfast.

Sect. 4. In order to accomplish the purposes aforesaid,  
2 said company may take and hold any and all real estate,  
3 which it may deem necessary or convenient therefor, ad-  
4 jacent to that part of the Marsh river, in the towns of  
5 Winterport and Frankfort, which lies below Plummer's  
6 Mills, so called, in West Winterport, or adjacent to any  
7 tributary or tributaries which flow into said Marsh river  
8 below said Plummer's Mills, together with necessary or  
9 convenient rights of way from the public ways in said  
10 towns to property so taken or otherwise acquired by said  
11 company. It may construct and maintain dams and  
12 reservoirs for the storage of water upon that part of said  
13 river which lies below said Plummer's Mills, and upon  
14 any tributary or tributaries which flow into said Marsh  
15 river below said Plummer's Mills, and may store and re-  
16 tain the waters of said river and said tributaries therein.  
17 It may construct and maintain a canal, not exceeding one  
18 mile in length, beginning at any point on said river below  
19 said Plummer's Mills, and therein divert such portion of  
20 the waters of said river as it deems expedient, and take  
21 and hold real estate necessary or convenient therefor.

Sect. 5. Said company shall have the right to acquire  
2 by purchase, any existing dam or dams upon said Marsh  
3 river, and in case it so purchases any such dam, it may  
4 take and hold any and all real estate which it may deem  
5 necessary or convenient for the purposes aforesaid, adja-  
6 cent to that part of said Marsh river which lies below the  
7 dam next above the dam so purchased, or adjacent to any  
8 tributaries which flow into said Marsh river below the dam  
9 next above the dam so purchased, together with necessary  
10 or convenient rights of way from public ways to property  
11 so taken or otherwise acquired by said company. It may  
12 build dams and reservoirs upon that part of said Marsh  
13 river described in this section, or upon the tributaries  
14 thereto, in which it may store and retain water, provided  
15 that said company shall in no way hinder or prevent owners  
16 of existing mills or dams, upon said Marsh river, or any of  
17 its tributaries, from obtaining, in times of high water, a  
18 sufficient head to operate their mills, and in times of low  
19 water an amount equal to the ordinary flow of the stream  
20 at such times.

Sect. 6. Said company shall have the right to raise and  
2 rebuild any dam which it may purchase, and the damages  
3 by flowage caused by the increased height of any such  
4 dam, or by any new dam erected by it, may be recovered  
5 by complaint, as provided in chapter ninety-two of the  
6 Revised Statutes.

Sect. 7. Said company may enter upon the lands  
2 described in sections four and five to make surveys and  
3 locations, and shall file in the registry of deeds of the  
4 county of Waldo, plans of such locations and lands show-  
5 ing the property taken, and within thirty days thereafter,

6 publish notice of such filing in some newspaper in said  
7 county, such publication to be continued three weeks suc-  
8 cessively.

Sect. 8. Should the said corporation and the owner of  
2 any land required for the said purposes of the corporation,  
3 be unable to agree upon the damages to be paid for such  
4 location, taking, holding and construction, the land owner  
5 may, within twelve months after the said filing of plans of  
6 location, apply to the commissioners of said county of  
7 Waldo, and cause such damages to be assessed in the same  
8 manner and under the same conditions, as are prescribed by  
9 law in the case of damages by the laying out of highways.  
10 If the said corporation shall fail to pay such land owner,  
11 or deposit for his use with the clerk of the county com-  
12 missioners aforesaid, such sums as may be finally awarded  
13 as damages, with costs when recovered by him, within  
14 ninety days after notice of final judgment shall have been  
15 received by the clerk of courts of the said county, the said  
16 location shall be thereby invalid and the said corporation  
17 shall forfeit all rights under the same, as against the  
18 owner of the land. The said corporation may make a  
19 tender to any land owner damaged under the provisions of  
20 this act, and if such land owner recovers more damages  
21 than was tendered him by the said corporation, he shall  
22 recover cost, otherwise the said corporation shall recover  
23 cost. In case the said corporation shall begin to occupy  
24 such land before the rendition of final judgment, the land  
25 owner may require the said corporation to file its bond to  
26 him with the said county commissioners, in such sum and  
27 with such sureties as they may approve, conditioned for  
28 the payment of the damages that may be awarded. No

29 action shall be brought against the said corporation for  
30 such taking, holding and occupation, until after such fail-  
31 ure to pay or deposit as aforesaid. Failure to apply for  
32 damages within the said twelve months, shall be held to  
33 be a waiver of the same. The corporation shall have the  
34 right to flow lands, and damages for flowage only shall be  
35 recovered by complaint, as provided by chapter ninety-two  
36 of the Revised Statutes.

Sect. 9. The said corporation for all its purposes may  
2 take and hold real and personal estate necessary and con-  
3 venient therefor, to the amount of fifty thousand dollars.  
4 The said corporation may issue its bonds for corporate  
5 purposes, of any and all kinds, upon such rates and time  
6 and in such amounts as it may deem expedient, and secure  
7 the same by a mortgage of its franchise and property.

Sect. 10. The first meeting of said corporation shall be  
2 called by a written notice thereof, signed by any two of  
3 the within named incorporators, served upon each named  
4 incorporator by giving him the same in hand, or by leav-  
5 ing the same at his last and usual place of abode, at least  
6 seven days before the time of meeting, or by publishing  
7 said notice in some newspaper published in the county of  
8 Waldo.

Sect. 11. This act shall take effect when approved.







STATE OF MAINE.

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IN SENATE, March 14, 1901.

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

KENDALL M. DUNBAR, *Secretary.*