

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

HOUSE.

No. 259

STATE OF MAINE.

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

AN ACT to authorize the Caratunk Power Company to erect
and maintain dams across the Carabasset river in the towns
of Anson and Embden.

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

Section 1. The Caratunk Power Company, a corporation
2 organized and existing under the laws of the State of Maine,
3 and having its established place of business at Fairfield, in
4 the county of Somerset, is hereby authorized to erect and
5 maintain a dam across the Carabasset river, upon that part
6 of said river that constitutes the town line between Anson

7 and Embden, also a dam across the said Carabasset river,
8 about half a mile below Cleveland Rips, so called, provided
9 that suitable sluices, for the passage of logs and lumber, shall
10 be constructed and maintained, in said dams, for manufact-
11 uring and other purposes, with all of the rights and privileges,
12 and subject to the liabilities and obligations of similar cor-
13 porations, under the laws of this State. Provided, that noth-
14 ing herein shall be construed as authorizing said company
15 to take any water power by right of eminent domain.

Sect. 2. Said corporation is hereby authorized to cut and
2 maintain canals from said dams, and to erect and maintain
3 necessary side dams, appurtenant thereto, and for the pur-
4 pose of constructing and maintaining said dams and canals,
5 may take, occupy and enclose any land adjoining the same,
6 which may be necessary for building or repairing the same,
7 and other necessary purposes, and may blow up and remove
8 any rocks in said river, and dig any of the land near said
9 river, when necessary to said purposes. And may enter upon
10 any land for the purpose of making necessary preliminary
11 surveys, and setting marks and monuments therefor, and
12 may take and hold by purchase or otherwise, any real estate,
13 rights of way or of water, and may also take and occupy any
14 land necessary for the construction and maintenance of a
15 road from the end of said dam, on each side of the said Cara-
16 basset river, to the highways leading from Anson to New
17 Portland.

Sect. 3. Said company is authorized to make contracts with
2 any municipalities, corporation or individual, for the supply
3 either of water power or electricity, and may establish written
4 regulations for the supply of the same, and may sell or lease
5 any power not used by it on the dams aforesaid.

Sect. 4. Said company shall have authority to construct and
2 maintain its lines, poles, wires and fixtures, for the trans-

3 mission of electricity, along, over, across and under the roads
4 and streets in the towns of Madison, Starks, Anson, Corn-
5 ville, Solon and Embden; also to generate and supply elec-
6 tricity in said towns, subject, however, to the conditions and
7 restrictions provided in chapter one hundred and two of the
8 Public Laws of eighteen hundred and ninety-five, so far as
9 applicable to the use of said roads and streets. Provided,
10 that said company shall not supply electricity for any purpose
11 within the territorial limits of the town of Anson without
12 the consent of the Carabasset Stock Farms Company, except
13 within the limit of one mile of the westerly terminus of the
14 Norridgewock Falls bridge. No pole lines shall be estab-
15 lished within one mile of the limits of the village of North
16 Anson. Provided, further, said company shall not construct
17 and maintain lines, poles, wires and fixtures in the town of
18 Madison until the same shall have been approved by a major
19 vote of those present and voting at a legal meeting of voters
20 of said town acting under a proper article in the warrant call-
21 ing said meeting.

Sect. 5. Said company shall be liable in all cases to repay
2 to said towns all sums of money that said towns, or either of
3 them, may be obliged to pay on any judgment recovered
4 against them, or either of them, for damages occasioned by
5 any obstruction, taking up or displacement of any street or
6 road by said company, together with counsel fees, and other
7 expenses necessarily incurred in defending the same; pro-
8 vided, however, that said company shall have notice of any
9 suit wherein such damages shall be claimed, and shall be
10 allowed to defend the same at its own expense.

Sect. 6. Said company shall file in the registry of deeds for
2 the county of Somerset, plans of the location of all lands and
3 rights of way, taken under the provisions of this act, and
4 no entry shall be made on any land, except to make surveys

5 as aforesaid, until the expiration of ten days from such filing;
6 and with such plan, the company may file a statement of the
7 damages it is ready to pay to any person, for any property
8 so taken, and if the amount finally awarded does not exceed
9 that sum, the company shall recover costs against said per-
10 son, otherwise such person shall recover costs against the
11 company.

Sect. 7. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person or corporation,
3 by the taking of any lands, rights of way or of water, or other
4 property as aforesaid, and if such person or corporation, sus-
5 taining damages, as aforesaid, shall not agree with said com-
6 pany upon the sum to be paid therefor, either party, on peti-
7 tion to the county commissioners of Somerset county, within
8 twelve months after such plans are filed, may have said
9 damages assessed by them, and subsequent proceedings and
10 rights of appeal thereon, shall be had in the same manner
11 and under the same restrictions and limitations, as are by
12 law prescribed in the case of damages by the laying out of
13 highways. Failure to apply for damages within said twelve
14 months shall be held to be a waiver of the same. For all
15 damages occasioned by flowage, said corporation shall not
16 be liable to an action at common law, but the person injured
17 may have a remedy by complaint for flowage, in which the
18 same proceedings shall be had as in a complaint for flowage
19 under the mill acts of this State.

Sect. 8. Said company is hereby authorized to increase its
2 capital stock from time to time in such manner and under
3 such restrictions as are provided for increasing the capital
4 stock of corporations organized under the general law, and
5 may issue its bonds to an amount not exceeding the amount
6 of capital stock, and secure the same by mortgage upon its
7 franchise and property.

Sect. 9. At any time the Madison Village Corporation by
2 a majority vote at a legal meeting called therefor, shall have
3 the right to purchase the franchise and property of said com-
4 pany at a price to be agreed upon between said company and
5 said village corporation; and if such price cannot be agreed
6 upon, then at a price which shall be determined by a com-
7 mission of three competent and disinterested persons, one
8 of whom shall be selected by said company, one by said village
9 corporation, and the third by the two so selected if they can
10 agree, if not, then by the chief justice of the supreme judicial
11 court of Maine. The award of said commissioners shall be
12 binding upon said company and said village corporation, and
13 said village corporation shall pay the amount of said award
14 for said property and franchise within ninety days after said
15 award shall have been rendered. The cost of said commis-
16 sion shall be borne equally by said company and said village
17 corporation.

Sect. 10. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 5, 1903.

Reported by Mr. KELLEY of Lewiston, from Committee on Legal
Affairs and ordered printed under joint rules.

W. S. COTTON, *Clerk*.