

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

SENATE.

No. 258

STATE OF MAINE.

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

AN ACT to incorporate the Piscataquis River Storage Company.

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

Section 1. Wm. M. Currier, Frank H. Drummond, Charles
2 C. Emerson, Henry Hudson, Henry Douglass, David R.
3 Straw, Edward J. Mayo, Walter J. Mayo, Stephen O. Brown,
4 Crowell C. Hall their heirs, successors and assigns, are hereby
5 created a body corporate under the name of the Piscataquis
6 River Storage Company, for the purpose of making such
7 improvements in Piscataquis river and its tributary waters
8 as will enable them to store or hold water for the purpose of
9 increasing and rendering more constant the power or energy
10 of said Piscataquis river, and for that purpose may acquire

11 existing dams by purchase or otherwise, or erect and main-
12 tain new dams at the outlets of any of the ponds or bogs or
13 upon any of the streams tributary to said Piscataquis river,
14 above the East Dover dam on said river, on lands which it
15 may acquire, but in such manner as not to impair the useful-
16 ness of any existing dams without the consent of the owners
17 of the same, and said corporation is hereby empowered to
18 flow such lands by the erection of such new dams as may be
19 necessary to carry out the provisions of this act. Said cor-
20 poration shall be liable for all damages caused by such flow-
21 age to be ascertained and determined in the manner prescribed
22 in chapter 92 of the Revised Statutes, and in said corporate
23 name may sue and be sued, plead and be impleaded, and shall
24 enjoy all the proper remedies at law and in equity to secure
25 and protect them in the exercise and use of their rights and
26 privileges and in the performance of their 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 Piscataquis river and its tributaries; and
6 to make and adopt by-laws not repugnant to the constitution
7 and laws of the State of Maine, but all dams and other struc-
8 tures authorized herein shall be so constructed as to facilitate
9 and not to impede or interfere with the proper driving or
10 floating of logs and wood.

Sect. 3. The capital stock of said corporation shall be ten
2 thousand (10,000) dollars divided into shares of one hun-
3 dred (100) dollars each, with the right to increase said cap-
4 ital stock at any time by a majority vote of the shareholders
5 to any amount not exceeding fifty thousand (50,000) dollars.

Sect. 4. Previous to the first meeting of said corporation
2 one share of its capital stock may be subscribed but paid for
3 in full as follows: One share by the owners of the power

4 or privilege at Blanchard in the county of Piscataquis and
5 State of Maine: one share to the owners of the power or
6 privilege at Abbot, on the north branch of the Piscataquis
7 river; one share by the owners of the power or privilege at
8 Abbot Village on the south branch of the Piscataquis river;
9 one share by the owners of the power or privilege at Guil-
10 ford in said county of Piscataquis; one share by the owners
11 of each power or privilege at Foxcroft in said county; one
12 share by the owners of each power or privilege at Dover
13 Village in said county; one share by the owners of the power
14 or privilege at East Dover in said county; one share by
15 the owners of the power or privilege at Howland. Said
16 share allotted to the owners of each of said dams or privileges
17 shall be divided among the owners of each dam or privilege
18 according to their ownership, and a majority ownership in
19 each dam or privilege shall determine how said dam or privi-
20 lege shall be voted at all meetings of said corporation. If
21 any of the dams or privileges hereinbefore enumerated are
22 owned equally by two different persons or corporations, each
23 shall be entitled to one-half vote of said share at any meeting
24 of said corporation. No shares of said capital stock shall be
25 at any time sold or owned by persons or corporations not
26 owners in one of said powers or privileges enumerated or
27 described above.

The first meeting of the corporation may be called by any
29 two of the corporators named in this act, giving five days
30 written notice by mail to each of the other corporators named
31 in this act, stating time, place and purposes of such meeting,
32 and at such meeting the necessary officers may be chosen,
33 by-laws adopted and any other corporate business transacted.
34 In choosing directors, one director shall be chosen from the
35 owner or owners of each of the power or privileges herein-
36 before enumerated which is represented by stock in the com-
37 pany.

After said first meeting stock may be issued as subscribed
39 and paid for to the owners of said powers or privileges but
40 only in such amounts as have been voted to be raised for the
41 purpose of expenditure under this charter by a majority vote
42 of the board of directors at a regular or special meeting.
43 Owners of the described water powers and privileges shall
44 at all times have the rights to subscribe equally for stock to
45 be issued. Any transfer of ownership of any of the powers
46 or privileges described or enumerated shall carry with it a
47 transfer of the capital stock in this corporation then standing
48 in the name of the owner or owners of said water power or
49 privileges so transferred; but should the owners of any of the
50 described water powers or privileges refuse or neglect for ten
51 days after said meeting of Board of Directors, to subscribe
52 for his or their proportional part as herein set forth, then
53 said stock shall be equally divided among the owners of each
54 of the water powers or privileges hereinbefore enumerated.

Sect. 5. Said corporation is authorized through and by
2 its directors to regulate the volume and flow of water released
3 from any of its storage reservoirs and the time for releasing
4 the same, and may by its by-laws, provide for the charge and
5 collection of rates or payments of money by users for power
6 of any of its artificially stored and released water. If any
7 users there be whose stockholdings are less in amount than
8 their proportional part of the whole stock issued, according
9 to the apportionment of interest which shall be determined
10 by vote of the stockholders, and said charges may be recov-
11 ered by said corporation before any justice of the supreme
12 judicial court under proceedings in equity for the purposes
13 brought against the owner or owners of the power or privi-
14 lege so delinquent in stockholding, but said charges or rates
15 shall be made only for the artificially stored and released
16 water actually used for power purposes, and not fully con-
17 tributed to in stockholdings by said user or power owner,

18 and shall in no case be at a rate greater than one dollar per
19 additional horse power so furnished per month of two hun-
20 dred and sixty hours, or at that rate for less time, provided,
21 however, that the volume and flow of water from the storage
22 reservoirs of the company shall be so regulated as to furnish
23 as nearly as possible an equal continuous flow of water in the
24 Piscataquis river, for the whole twenty-four hours of each
25 and every day, except that the directors have the power to
26 increase or decrease such equal daily flow to such extent and
27 at such times and for such periods as may be assented to by
28 all of the stockholders in this corporation, provided also, that
29 said corporation through and by its directors shall not cause
30 water to be held in any dams that it may construct or acquire
31 on the north and south branches of said river, so as to inter-
32 fere with the natural flow of water on said branches to the
33 detriment of any of the existing water privileges on these
34 branches.

Sect. 6. Any corporation, any co-partnership and any indi-
2 vidual who becomes the owner of any stock in this corporation
3 in accordance with this act, is or are hereby empowered to
4 take and hold such stock, and at any meeting of their corpo-
5 ration or on any other occasion, may be represented, vote and
6 act, respectively, by such person or committee as may be
7 chosen for the purpose.

Sect. 7. From the twentieth day of March to the fifteenth
2 day of June in each year, whoever has logs in the north and
3 south branches of the Piscataquis river and in the Piscata-
4 quis river, shall be entitled without charge, to all the neces-
5 sary water to drive such logs. The directors of said corpo-
6 ration shall determine in each case the reservoir or reservoirs
7 from which said water shall be taken.

Sect. 8. The supreme judicial court has equitable juris-
2 diction over this corporation, its successors and assigns, and
3 all parties interested, including driving of logs on said river

4 and its tributaries, to regulate the use of the water stored in
5 the lakes and reservoirs held under this charter, and the
6 rights of the members between themselves.

Sect. 9. If any person wantonly or maliciously injure any
2 of the dams or structures which may be constructed by said
3 corporation, he shall on conviction thereof, be punished by
4 a fine not exceeding five hundred dollars, or by imprisonment
5 not exceeding one year, and shall be liable also to pay the
6 triple damages to said corporation to be recovered in an action
7 before any court of competent jurisdiction.

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

STATE OF MAINE.

IN SENATE, March 19, 1903.

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

KENDALL M. DUNBAR, *Secretary*.