

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 421

STATE OF MAINE.

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

AN ACT to incorporate the Midland Power Company.

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

Section 1. Stephen A. Nye, Frank B. Purinton and Geo.
2 G. Weeks, their associates, successors and assigns, are hereby
3 made a body corporate by the name of the Midland Power
4 Company, with all the rights, powers and privileges, and
5 subject to all the duties and obligations of similar corpora-
6 tions under the general laws of this State, with power by
7 that name to sue and be sued, to have a common seal, to
8 establish all by-laws and regulations for the management of
9 its affairs not repugnant to the laws of this State, and to do
10 and perform any and all legal acts incident to similar corpo-
11 rations.

Sect. 2. Said corporation is hereby authorized to make, generate, sell, distribute and supply electricity for lighting, heating, manufacturing and mechanical purposes in the town of Canaan in the county of Somerset, and in as much of the town of Fairfield in said county as lies north of a certain line running westerly from the Kennebec river, beginning at a point one half mile south of Shawmut Village and extending to the Smithfield line; also, so much of the town of Clinton in the county of Kennebec as lies within one mile of the east bank of the Kennebec river.

Sect. 3. Said corporation is further authorized to construct and maintain a dam with the right of flowage in the Carabasset stream at a point near the location of the Ricker privilege, so called, and to acquire by purchase or otherwise, any and all other water powers, privileges and property incident thereto on said stream, and to construct and maintain dams thereon. But nothing herein shall be construed as granting to said company the right to flow existing privileges not acquired, or take any water power by right of eminent domain.

Sect. 4. Said corporation is hereby authorized to construct and maintain dams at the foot of Oak pond, Long pond, Sibley pond and Morrill pond for the purposes of storing water therein, and the damages for flowage caused by such dams may be recovered in accordance with the provisions of chapter ninety-four of the Revised Statutes, provided that the volume of water naturally flowing in said stream shall not be diminished to the detriment of any riparian owner.

Sect. 5. Said corporation is hereby authorized to cut and maintain canals from the said dams and to erect and maintain necessary side dams appurtenant thereto, and for the purpose of constructing and maintaining said dams and canals and of erecting electrical or other plants thereon, may take, occupy and enclose any land adjoining the same which

7 may be necessary for building or repairing the same and
8 other necessary purposes, and may blow up and remove any
9 rocks in said stream and take any of the land near said stream
10 when necessary to said purposes. Said corporation may
11 enter upon any land for the purpose of making necessary
12 preliminary surveys and setting marks and monuments there-
13 for and may take and hold by purchase or otherwise, any
14 real estate, rights of way or of water and may also take and
15 occupy any land necessary for the construction and mainte-
16 nance of a road from the end of said dams on the easterly
17 side of said stream to the nearest highway.

Sect. 6. Said company is authorized to make contracts with
2 any municipality, corporation or individual for the supply,
3 either of water power or of electricity within the territory
4 above described, and may establish written regulations for
5 the supply of the same and may sell or lease any power not
6 used by it on the dams aforesaid.

Sect. 7. Said corporation shall have authority to construct
2 and maintain its lines, poles, wires and fixtures for the trans-
3 mission of electricity over, across and under roads and streets
4 in the territory above described, subject, however, to the con-
5 ditions and restrictions of the general laws.

Sect. 8. Said company shall be liable in all cases to repay
2 to said towns all sums of money that said towns, or either
3 of 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. 9. Said company shall file in the registry of deeds
2 for the county where the land lies, plans of the location of

3 all lands and rights of way, taken under the provisions of this
4 act, and no entry shall be made on any land, except to make
5 surveys as aforesaid, until the expiration of ten days from
6 such filing; and with such plan, the company may file a state-
7 ment of the damages it is ready to pay to any person, for any
8 property so taken, and if the amount finally awarded does
9 not exceed the sum, the company shall recover costs against
10 said person, otherwise such person shall recover costs against
11 the company.

Sect. 10. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person or corporation,
3 by the taking up of lands, rights of way or of water, or othe-
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 or Kennebec
8 counties, within twelve months after such plans are filed, may
9 have such damages assessed by them, and subsequent pro-
10 ceedings and rights of appeal thereon shall be had in the
11 same manner and under the same restrictions and limitations
12 as are by law prescribed in the case of damages in the laying
13 out of highways. Failure to apply for damages within said
14 twelve months shall be held to be a waiver of the same. For
15 all 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. 11. Said company is hereby authorized to issue its
2 capital stock to an amount not exceeding one hundred thou-
3 sand dollars, and may issue its bonds to an amount not
4 exceeding its capital stock and secure the same by mortgage
5 of its franchise and property.

Sect. 12. Said company is hereby authorized to sell all its
2 rights, property and franchise to any company authorized to
3 make, generate, sell, supply and distribute electricity within
4 said territory, and purchase all the rights, property and fran-
5 chise of any other company authorized to do such business
6 in such territory.

Sect. 13. The first meeting of said company may be called
2 by the first incorporator, but failing to do so, either of the
3 others may, by a written notice signed by him stating the
4 time, place and purpose thereof and sent by mail to his asso-
5 ciates, at least five days before said meeting.

Sect. 14. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 8, 1905.

Reported by Mr. BAXTER from Committee on Legal Affairs and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*