

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 291

STATE OF MAINE.

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

AN ACT to extend the powers of the Canaan Power Company.

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

Section 1. The Canaan Power Company, a corporation
2 organized under the laws of the state of Maine, in addition
3 to the powers enumerated in its charter is hereby authorized
4 to make, generate, sell, distribute and supply electricity for
5 lighting, heating, manufacturing and mechanical purposes in
6 the town of Canaan in the county of Somerset, and in as
7 much of the town of Fairfield in said county as lies north
8 of a certain line running westerly from the Kennebec river,
9 beginning at a point one-half mile south of Shawmut village
10 and extending to the Smithfield line; also, so much of the

11 town of Clinton in the county of Kennebec as lies within one
12 mile of the east bank of the Kennebec river.

Sect. 2. Said corporation is further authorized to con-
2 struct and maintain a dam with the right of flowage in the
3 Carrabassett stream at a point near the location of the Ricker
4 privilege, so called, and to acquire by purchase or other-
5 wise, any and all other water powers, privileges and prop-
6 erty incident thereto on said stream, and to construct and
7 maintain dams thereon. But nothing herein shall be con-
8 strued as granting to said company the right to flow exist-
9 ing privileges not acquired, or take any water power by right
10 of eminent domain.

Sect. 3. Said corporation is hereby authorized to con-
2 struct and maintain dams at the foot of Oak pond, Long
3 pond, Sibley pond and Morrill pond for the purposes of
4 storing water therein, and the damages for flowage caused
5 by such dams may be recovered in accordance with the pro-
6 visions of chapter ninety-four of the Revised Statutes, pro-
7 vided that the volume of water naturally flowing in said
8 stream shall not be diminished to the detriment of any
9 riparian owner.

Sect. 4. Said corporation is hereby authorized to cut and
2 maintain canals from the said dams and to erect and main-
3 tain necessary side dams appurtenant thereto, and for the
4 purpose of constructing and maintaining said dams and
5 canals and of erecting electrical or other plants thereon, may
6 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
10 stream when necessary to said purposes. Said corporation
11 may enter upon any land for the purpose of making neces-
12 sary preliminary surveys and setting marks and monuments
13 therefor and may take and hold by purchase or otherwise,
14 any real estate, rights of way or of water and may also
15 take and occupy any land necessary for the construction and
16 maintenance of a road from the end of said dams on the
17 easterly side of said stream to the nearest highway.

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

Sect. 6. Said corporation shall have authority to construct
2 and maintain its lines, poles, wires and fixtures for the
3 transmission of electricity over, across and under roads and
4 streets in the territory above described, subject, however,
5 to the conditions and restrictions of the general laws.

Sect. 7. 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. 8. 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
4 this act, and no entry shall be made on any land, except to
5 make surveys as aforesaid, until the expiration of ten days
6 from such filing.

Sect. 9. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any person or corpora-
3 tion, by the taking up of lands, rights of way or of water, or
4 other property as aforesaid, and if such person or corpora-
5 tion sustaining damages as aforesaid, shall not agree with
6 said company upon the sum to be paid therefor, either
7 party, on petition to the county commissioners of Somerset
8 or Kennebec counties, within twelve months after such plans
9 are filed, may have such damages assessed by them, and
10 subsequent proceeds, and rights of appeal thereon as shall
11 be had in the same manner and under the same restrictions
12 and limitations as are by law prescribed in the case of dam-
13 ages in the laying out of highways. Failure to apply for
14 damages within said twelve months shall be held to be a
15 waiver of the same. For all damages occasioned by flowage,
16 said corporation shall not be liable to an action at common

17 law, but the person injured may have a remedy by complaint
18 for flowage, in which the same proceedings shall be had as
19 in a complaint for flowage under the mill acts of this state.

Sect. 10. Said company is hereby authorized to issue its
2 capital stock to an amount provided in its charter and
3 increase the same according to the provision of the general
4 law, and may issue its bonds to an amount not exceeding its
5 capital stock and secure the same by mortgage of its prop-
6 erty and franchise.

Sect. 11. 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 rights, property and fran-
5 chise of any other company authorized to do such business
6 in such territory.

Sect. 12. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, February 25, 1907.

Reported by Mr. WEEKS from Committee on the Judiciary, and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*.