

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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HOUSE.

No. 444

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## STATE OF MAINE.

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

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AN ACT to incorporate the Kingman Developing Company.

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

Section 1. Charles P. Webber, Charles J. Webber, and  
2 John P. Webber, their associates, successors and assigns,  
3 are hereby incorporated under the name of Kingman  
4 Developing Company, for the purpose of doing a general  
5 manufacturing, illuminating, heating and power business  
6 in town of Kingman, in Penobscot County; also for  
7 the purpose of creating, leasing and selling electricity and  
8 other power for manufacturing and other purposes. Also  
9 for the purpose of supplying the inhabitants of said town  
10 with water, lights and heat for all domestic, sanitary and  
11 municipal purposes, including the extinguishment of  
12 fires; also for the purpose of transmitting to points out-

13 side of said town electricity generated within said town;  
14 to be leased or sold for manufacturing, illuminating, heat-  
15 ing and power purposes, with the rights and privileges,  
16 and subject to the liabilities and obligations of similar  
17 corporations. And said company is authorized and em-  
18 powered to purchase or otherwise obtain, and to sell or  
19 lease real estate, to manufacture, buy, or otherwise obtain,  
20 and to sell or lease personal property, necessary for the  
21 prosecution of the purposes of the company, and gener-  
22 ally to do all things necessary for and incident to such  
23 purposes, including the carrying on of a mercantile busi-  
24 ness in connection with any of the purposes of the com-  
25 pany; also to take, hold and own, by purchase the stock,  
26 bonds or other obligations of other similar corporations  
27 and of disposing of the same in any lawful manner.

Sect. 2. Said company is authorized and empowered  
2 to locate, construct and maintain dams on the Matta-  
3 wamkeag river in said town of Kingman, between the  
4 mouth of Molunkus stream, so called, and a line drawn  
5 across said river which shall be a continuation of the line  
6 between the said town of Kingman and the town of Drew;  
7 provided, that suitable sluices are constructed and main-  
8 tained by said company in said dams at its own expense  
9 for the passage of logs and other lumber running down  
10 said river. Said company is further authorized and em-  
11 powered to cut, construct and maintain canals and other  
12 waterways from said dams to any point in said towns for  
13 the purpose of developing the water power on said river; and  
14 for the purpose of constructing said dams, canals and  
15 other waterways, it may take, occupy and enclose any

16 lands adjoining the same on either side of said river which  
17 may be necessary for building or repairing the same and  
18 for other necessary purposes, and may blow and remove  
19 rocks in the river and dig up and remove land in said  
20 river when necessary.

Sect. 3. Said company is further authorized and em-  
2 powered to construct and maintain in, under, along, other  
3 than railroad bridges that now or may hereafter exist,  
4 pipes, hydrants, poles, wires and other structures neces-  
5 sary for the purposes of its incorporation, and to replace  
6 and repair the same when necessary; to enter upon and  
7 excavate any highway, or other ways, within said towns  
8 in such manner as least to obstruct the same; to take and  
9 hold, by purchase or otherwise rights of way and in gen-  
10 eral to do any acts necessary, convenient or proper for  
11 carrying out any of the provisions of this act. Nothing  
12 in this act, however, shall be construed as giving said  
13 company the right or power to flow the right of way of  
14 any railroad company, or to take any part of the right of  
15 way of any railroad company under the power of eminent  
16 domain given in this act. Said company may cross the  
17 right of way of any railroad company with wires, pipes,  
18 aqueducts or other structures mentioned in this act, and in  
19 case of failure to agree with any railroad company as to  
20 place, manner and conditions of crossing its right of way  
21 with such wires, pipes, aqueducts or other structures, the  
22 place, manner and conditions of such crossings shall be  
23 determined by the railroad commissioners, and all work  
24 within the limits of any railroad company's location shall  
25 be done under the supervision, and to the satisfaction of

26 the officers and agents of such railroad company, but at  
27 the expense of said Kingman Developing Company.

Sect. 4. Said company is further authorized and em-  
2 powered within said town to cross any watercourse,  
3 private or public sewer, and to change the direction  
4 thereof, when necessary, but in such manner as not to  
5 obstruct or impair the use thereof, and said company shall  
6 be liable for any injury caused thereby. Whenever said  
7 company shall lay down or erect a structure in any  
8 highway, way or street, or make alterations or repairs upon  
9 its works in any highway, way or street, it shall cause the  
10 same to be done at its own expense, with as little obstruc-  
11 tion to public travel as may be practicable.

Sect. 5. Said company may erect and maintain dams on  
2 land which it may acquire by purchase or lease at the out-  
3 let of any lake tributary to said Mattawamkeag river, or  
4 may acquire by purchase or lease any existing dams on  
5 said lakes for the purpose of holding, storing, regulating  
6 and controlling the flow of the waters of said Mattawam-  
7 keag river, and may hold, store, regulate and control, the  
8 waters raised by said dams and draw down the same as  
9 may be required for the purpose aforesaid, and said  
10 company is hereby empowered to flow such land as may  
11 be necessary to carry out the provisions of this act and  
12 such corporation shall be liable for all damages caused by  
13 said flowage to be ascertained and determined in the  
14 manner prescribed in chapter ninety-two of the revised  
15 statutes. Since all water held by all existing dams is  
16 subject to log driving purposes, nothing herein contained  
17 shall be considered as abridging or curtailing those rights

18 or the existing rights of the Mattawamkeag Lake Dam  
19 Company, and nothing in this act shall apply to any waters  
20 in Washington county.

Sect. 6. Said company may enter for the location, erec-  
2 tion and maintainment of the dams mentioned in this act,  
3 and may by its agents with teams, or otherwise, pass and  
4 repass over the land of other persons for the purposes  
5 aforesaid, and for the operation and management of such  
6 dams. Said company shall be held liable to pay all dam-  
7 ages that shall be sustained by any person or persons by  
8 the taking of any rights of way, or by excavating through  
9 any land for the purpose of surveying for, locating, lay-  
10 ing, building or re-erecting dams, canals, reservoirs, pipes,  
11 hydrants, poles, piers and other structures by taking and  
12 holding any lands necessary for flowage, and for other  
13 injuries resulting from said acts. And if any person  
14 sustaining damage as aforesaid, cannot agree with said  
15 company upon the sum to be paid therefor, either party,  
16 upon petition to the County Commissioners of Penobscot  
17 County, within twelve months after plans are filed, as  
18 hereinafter provided may have said damages assessed  
19 by them and subsequent proceedings and right of appeal  
20 thereon shall be had in the same manner and under the  
21 same condition, restrictions and limitations as are by law  
22 prescribed in the case of damages of laying out of high-  
23 ways; failure to apply for damages within said twelve  
24 months shall be held to be a waiver of the same.

Sect. 7. Said company shall file in the registry of deeds  
2 office, in the county of Penobscot, plans of the location  
3 of lands taken under the provisions of this act, and no

4 entry shall be made on lands owned by other persons,  
5 except to make surveys until the expiration of said ten  
6 days from filing, and with said plans said company may  
7 file a statement of the damages it is willing to pay for any  
8 property so taken, and if the amount finally awarded does  
9 not exceed the sum, the company shall recover costs  
10 against such persons, otherwise such persons shall recover  
11 costs against the company.

Sect. 8. Said company is further authorized and em-  
2 powered to make contracts with other corporations and  
3 with the inhabitants of any city, town or village corpo-  
4 ration which now or hereafter may exist, for the purpose  
5 of supplying water, light, heat or power as contemplated  
6 by this act, and any other corporation, and the inhabitants  
7 of any city, town or village corporation are hereby author-  
8 ized to enter into contracts with said company for the  
9 supplying of water, light, heat or power for a term of years.

Sect. 9. The capital stock of said company shall not  
2 exceed five hundred thousand dollars, divided into shares  
3 of one hundred dollars each. And for the purpose of  
4 carrying out any of the provisions for which said company  
5 is incorporated it is hereby authorized and empowered to  
6 issue its bonds in such form and amount and on such time  
7 and rates as it may deem expedient, not exceeding the  
8 amount of its capital stock actually subscribed for, and  
9 secure the same by mortgage of its property and franchises.

Sect. 10. Any two corporators named in this act may  
2 call the first meeting of this corporation, by mailing a  
3 written notice, signed by them, postage paid, to each of

4 the other corporators, seven days at least before the day  
5 of the meeting, naming the time, place and purpose of  
6 such meeting.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, March 8, 1907.

Reported by Mr. GRINNELL from Committee on Interior Waters,  
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk*