

# MAINE STATE LEGISLATURE

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# SEVENTY-THIRD LEGISLATURE

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SENATE.

No. 104

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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 Penobscot River Power Company.

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

Section 1. Fred T. Dow, Frank L. Small, Harry J. Chap-  
2 man, Orman B. Humphrey, Thurston P. Wormwood, their  
3 associates, successors and assigns, are hereby created a  
4 sum not exceeding fifteen million dollars.  
5 River Power Company.

Sect. 2. The capital stock of said company shall be fixed  
2 at nine thousand dollars, which may be increased from time  
3 to time by a majority vote of the capital stock issued to a  
4 sum not exceeding fifteen millions dollars.

Sect. 3. When this charter shall have been accepted by  
2 the incorporators and said company is organized, it may

3 purchase and hold thereunder any and all real and personal  
4 property, property rights, and franchises necessary for the  
5 purposes for which it is organized.

Sect. 4. Said company is hereby authorized and empow-  
2 ered to take and use the waters of the Penobscot river as  
3 hereinafter provided to develop power for lighting, heating,  
4 manufacturing, railway and for any and all other purposes,  
5 and to build, construct, maintain and control a dam or dams  
6 across the main Penobscot river at or near the head of  
7 Indian island in the towns of Oldtown and Milford and  
8 below the mouth of Pushaw stream on the Stillwater branch  
9 thereof, in said Oldtown, and all other dams, dykes, em-  
10 bankments and structures necessary for its purposes on  
11 any of the branches of said river in the vicinity of said  
12 Oldtown to turn and divert the flow of said Penobscot river  
13 and its waters up said Pushaw stream and into Pushaw  
14 lake and maintain the level thereof at an elevation not  
15 exceeding one hundred and twenty-four feet above mean  
16 sea level as established by the United States Government  
17 on its bench mark in the city of Bangor.

Sect. 5. Said company is further authorized and empow-  
2 ered to dig, build, construct, maintain and operate a canal  
3 or canals for the passage of the waters of said Penobscot  
4 river from said Pushaw lake to a point to be discharged  
5 into said Penobscot river, either above or below the Bangor  
6 water works dam, and to build, construct, maintain and  
7 control all necessary dams, side dams, abutments, piers,

8 ditches, embankments, gates, sluices and other structures  
9 and contrivances as shall confine, control and conduct the  
10 waters of said river as aforesaid from above Oldtown up  
11 through said Pushaw stream and lake and through the canal  
12 or canals aforesaid, to the point where said waters are dis-  
13 charged into said Penobscot river; and to blast out, dig out,  
14 deepen, widen and enlarge said river, stream, lake and canal;  
15 and may purchase and flow by means of said dams and  
16 canal the lands necessary for the storage of water.

Sect. 6. Said company is empowered to conduct the waters  
2 aforesaid from its canal into the Penobscot river as afore-  
3 said, by penstocks or other mechanical methods or devices,  
4 erect buildings and other structures for its purposes, install  
5 water wheels, apparatus and machinery, and control the  
6 same, said canal and its discharge into said river for the  
7 purposes of developing power.

Sect. 7. Provided, however, that said company shall at  
2 all times allow not less than one thousand cubic feet of water  
3 per second to pass its said dams on the main branch of the  
4 Penobscot river at Oldtown and take its natural course down  
5 said main branch, and not less than five hundred cubic feet  
6 per second to take its natural course at all times down said  
7 Stillwater branch, and shall also construct and maintain  
8 sufficient rollways, sluices, gates and other contrivances in  
9 any and all of its said dams, dykes and embankments erected  
10 as aforesaid, for the safe passage of logs and lumber wher-  
11 ever the same now have or ought to have the right to pass,

12 and shall charge no tolls therefor, or for the opening of  
13 any sluices, gates and other contrivances, and shall allow  
14 sufficient water to flow to float said logs and lumber to  
15 their destination.

Sect. 8. Provided further, however, said company may  
2 use said surplus water on said Stillwater branch, and on  
3 the main Penobscot river at Orono, Oldtown and Milford  
4 for power purposes, in all ways for its benefit and profit,  
5 and may construct, maintain and control a canal or canals,  
6 gates, sluices and other contrivances to conduct and control  
7 the flow of said surplus water to any point in said towns,  
8 and may acquire by lease, purchase or otherwise the prop-  
9 erty and rights of any other company, corporation, firm  
10 or individual, may operate, maintain and control the same  
11 to develop power, and dispose of the same as herein pro-  
12 vided. And it may also enter into mutual arrangements  
13 with all parties for the storage of water in any of the lakes,  
14 branches and streams tributary to said Penobscot river, and  
15 may do such things as are proper and necessary for that  
16 purpose, first gaining the consent of all towns, corporations  
17 and individuals damaged thereby.

Sect. 9. The directors of said company may, from time  
2 to time, raise or borrow for the use of the company, under  
3 such restrictions as are imposed by law, any sum or sums  
4 of money not exceeding its capitalization, by the issue of  
5 bonds in such denominations as they think proper, and may  
6 pledge, or mortgage all the property, rights, franchises and

7 income of said company, or any part thereof, for the pay-  
8 ment of the sums so borrowed and interest thereon, pro-  
9 vided that the consent of the majority in value of the stock-  
10 holders shall first be obtained at a meeting called for that  
11 purpose.

Sect. 10. All bonds issued by virtue of this act shall,  
2 until paid, forever remain a first lien upon the property,  
3 rights and franchises of the company that it may then have,  
4 or at any time thereafter in any way acquire, subject only  
5 to the mortgage lien then existing thereon.

Sect. 11. Said company may purchase, sell and control  
2 the stock, bonds, rights, franchises, privileges and property  
3 of other corporations, and such corporations are hereby  
4 specially authorized and empowered to purchase, sell and  
5 control the stock, bonds and securities of the Penobscot  
6 River Power Company. Upon the acquisition of such  
7 stock, bonds and franchises by the Penobscot River Power  
8 Company, by purchase or otherwise, it may exercise and  
9 enjoy all the powers, rights and privileges of such other  
10 corporations, and be subject to all duties and liabilities  
11 pertaining thereto.

Sect. 12. Said company is empowered to use said power  
2 in all ways for its own purposes, business and profit, to  
3 build, construct, maintain and operate manufactories and  
4 works, to develop and use said power in all ways; and for  
5 the generation and distribution of electricity and com-  
6 pressed air and other forms of power, upon and from its

7 property, and to transmit said power by means of shafting,  
8 belting, pipes, wires, or other methods and devices in such  
9 quantities and units as shall not interfere with existing  
10 rights, in any town or towns, point or place in the State of  
11 Maine and beyond the borders of said State.

Sect. 13. Said company may erect and maintain poles,  
2 lay pipes and conduits for its purposes, and extend and  
3 maintain wires in, upon, over, through, along and under  
4 the streets, ways and bridges of any city or town, and else-  
5 where, and under or over any stream, water course or river  
6 for the transmission of power, under such restrictions as  
7 may be imposed by law, and regulating power and electrical  
8 transmission, but it shall be responsible for all damages to  
9 persons or property occasioned thereby, and shall be fur-  
10 ther liable to reimburse all towns, cities and others any and  
11 all sums of money recovered against them for damages  
12 caused by this corporation.

Sect. 14. Said company is empowered to transmit its  
2 power in the manners aforesaid, for the purposes aforesaid,  
3 and may lease and sell the same, make contracts with other  
4 corporations, towns, cities, firms and individuals for the  
5 use thereof, and which contracts, when so made, shall be  
6 legal and binding on the parties thereto.

Sect. 15. The municipal officers of towns, subject to the  
2 approval of the inhabitants thereof, at a meeting called for  
3 that purpose, are authorized to settle with said company  
4 for any and all damages to property owned by such towns;

5 and the trustees and agents of any institution, lands or  
6 property owned by the State, are authorized to lease or sell  
7 the same, or to settle for any and all damages by reason  
8 of any of the acts herein provided, subject to the revision  
9 of the governor of the State.

Sect. 16. Said company is hereby authorized and em-  
2 powered to acquire and hold the rights of the city of Bangor,  
3 with its consent, in and to the Bangor water works, dam,  
4 power plant, its machinery, apparatus and appurtenances;  
5 and said city of Bangor is hereby specially authorized and  
6 empowered to lease, release, sell, assign and convey to said  
7 Penobscot River Power Company the whole or any part  
8 of the same, and may release and discharge to said company  
9 any and all claims to damages it may have on account of  
10 any of the acts herein authorized, on such terms and con-  
11 ditions as may be mutually agreed upon. And the said  
12 city of Bangor and said Power Company may mutually  
13 agree and enter into an agreement or contract, whereby  
14 either of them may pump and supply said city with water  
15 from the canal aforesaid, and they and either of them may  
16 do and perform any and all things proper and necessary for  
17 that purpose.

Sect. 17. This act shall become null and void in ten years  
2 from the time when it shall take effect, unless said company  
3 shall have organized and commenced actual business under  
4 this charter.

Sect. 18. This act shall take effect when approved.



STATE OF MAINE.

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IN SENATE, February 20, 1907.

Presented by Mr. PARKHURST of Penobscot, and on motion by same  
Senator tabled for printing, pending reference to Committee on Judiciary.

F. G. FARRINGTON, *Secretary*.