

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 48

STATE OF MAINE.

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

AN ACT to Incorporate the Penobscot River Power Company.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Fred T. Dow, Frank L. Small and Harry J.
2 Chapman, their associates, successors and assigns, are here-
3 by created a body politic and corporate by the name of the
4 Penobscot River Power Company.

Sect. 2. The capital stock of said company shall be fixed
2 by said company and shall not exceed ten million dollars
3 and may be increased from time to time by a vote represent-
4 ing a majority of the capital stock issued.

Sect. 3. When this charter shall have been accepted by
2 the incorporators and said company organized and subscrip-
3 tions to the amount of at least five million dollars to its cap-

4 ital stock shall have been made in good faith, and one million
5 dollars thereof, shall have been actually paid into the treas-
6 ury of said company, said Penobscot River Power Company
7 may purchase and hold thereunder any and all property,
8 property rights and franchises necessary for the purposes
9 for which it is organized.

Sect. 4. Said corporation is hereby authorized and empow-
2 ered to take and use the waters of the Penobscot River to
3 develop motive power for lighting, heating, manufacturing
4 and mechanical purposes and to build, construct, maintain
5 and control a dam or dams not exceeding sixteen feet in
6 height in and across the main Penobscot river between the
7 mouth of Pushaw stream and the head of Indian Island at
8 Oldtown, and all other dams, embankments and structures
9 necessary for its purposes on the Stillwater branch, and on
10 any of the branches of said river in the vicinity of said Old-
11 town that shall be necessary to turn and divert the flow of
12 said Penobscot river and its waters up said Pushaw stream
13 into Pushaw lake and raise the level thereof; and from said
14 Pushaw lake to dig, build, construct, maintain and operate a
15 canal or canals for the passage of the waters of said Penob-
16 scot river from said Pushaw lake to a point to be discharged
17 into said Penobscot river either above or below the Bangor
18 waterworks dam in the city of Bangor; and to build, con-
19 struct and maintain all necessary dams, side dams, abut-
20 ments, piers, ditches, embankments, canals, gates, sluices,
21 gateways and other structures as shall confine, control and

22 conduct the waters of said river as aforesaid; and to pur-
23 chase any land, property rights, water, water rights, water
24 powers or privileges necessary to erect, construct and main-
25 tain said canals, dams, sidedams, abutments, piers, dikes,
26 embankments or other structures required to secure, main-
27 tain and control the flow of said river and the waters there-
28 of from above said Oldtown up and through said Pushaw
29 stream, Pushaw lake, the canal aforesaid, to the point where
30 said waters are discharged into said Penobscot river in the
31 city of Bangor; and to dig, blast out, deepen, widen and
32 enlarge said river, stream, lake or canal; and may purchase
33 and flow by means of said dams and canal the land necessary
34 for its purposes and for the storage of water to develop,
35 motive power to operate machinery.

Sect. 5. Provided however that said corporation shall
2 construct and maintain sufficient rollways, sluices, gates and
3 other contrivances in any and all of its said dams, sidedams
4 and embankments erected as aforesaid, and in its dam
5 across the main Penobscot river, the branches thereof, and
6 its canal for the passage of logs and lumber wherever the
7 same now have or ought to have the right to pass, and where
8 said logs and lumber may be safely run through its said
9 dams and canals whenever the passage of such logs and lum-
10 ber are practicable, and shall allow said logs and lumber
11 through its said dams and shall charge no tolls therefor or
12 for opening any of its sluices, gates and other contrivances,

13 and shall allow sufficient water to flow through its said dams
14 to float said logs and lumber to their destination.

Sect. 6. Said corporation before beginning the construc-
2 tion of any dam, canal, embankment or other structure as
3 aforesaid, shall file plans and specifications thereof in the
4 registry of deeds of Penobscot county for public inspection,
5 and shall comply with all the requirements of law relating to
6 dams and reservoirs ; and before the construction of dams, or
7 diverting any of the waters of said Penobscot river in the
8 manner aforesaid, shall have gained the consent of any and
9 all towns, corporations, firms or individuals damaged by such
10 construction, or by flowage, excavation, or diversion of
11 water.

Sect. 7. The directors of said company may, from time
2 to time, raise or borrow for the use of said company, under
3 such restrictions as are imposed by law, any sum or sums of
4 money not exceeding its capitalization, by the issue of bonds
5 or debentures in such denominations as they think proper,
6 and may pledge, or mortgage all the property, rights, fran-
7 chises and income of the said company, or any part thereof,
8 for the payment of the sums so borrowed and interest there-
9 on, provided, that the consent of the majority in value of the
10 stockholders shall first be obtained at a special meeting called
11 for that purpose.

Sect. 8. Any and all bonds issued by virtue of this act
2 shall be, until paid, forever remain a first lien upon the
3 property, rights and franchise the company may then have

4 or at any time thereafter in any way acquire, subject only to
5 the mortgage lien then existing thereon at the date of the
6 passage of this act.

Sect. 9. Said corporation is hereby authorized and empow-
2 ered to lease, purchase, sell, manage and control the stock,
3 bonds, rights, franchises, privileges and property of other
4 companies, individuals and corporations, and hold stock in
5 other companies or corporations upon such terms and condi-
6 tions as may be mutually agreed upon by the directors and
7 approved by the stockholders of each company or corpora-
8 tion interested. And upon the acquisition of such rights,
9 property, stock, bonds, and franchise as aforesaid, by lease
10 or purchase, this corporation shall have, exercise and enjoy
11 all the powers, rights and privileges of such other corpora-
12 tions and companies, and be subject to all their duties and
13 liabilities.

Sect. 10. Said corporation is hereby authorized and em-
2 powered to use said motive power in all ways for its own
3 purposes business and profit, to build, construct, maintain
4 and operate manufacturies and works to develop said motive
5 power, and for the generation and distribution of electricity
6 upon, and from its property in the city of Bangor, and to
7 transmit said power by means of shafting, belting, wires or
8 compressed air, or by other mechanical methods and devices
9 in such horse power units as shall not interfere with the
10 charters of any existing companies or corporations in and to

11 any town or towns, point or place in the State of Maine
12 and beyond the borders of said State.

Sect. 11. Said corporation is hereby authorized and
2 empowered to erect poles, lay conduits and place wires there-
3 in, extend wires in, upon, over, through, along and under
4 the streets, ways and bridges of any city or town in this
5 State, and under, over and across any stream, water course
6 or river, for the transmission of said power, but shall not
7 obstruct the enjoyment thereof for public use; and across
8 public and private land; and may exercise general manage-
9 ment and control over said poles, conduits, wires and prop-
10 erty, under such restrictions as may be imposed by the laws
11 of the State, and under such regulations and subject always
12 to the general laws applied to corporations transmitting elec-
13 tricity and power, or regulating the erection of poles and
14 wires for electrical transmission and generating electricity.

Sect. 12. Said company is also authorized and empowered
2 to transmit electricity and power over said wires, and by
3 shafting, belting and other mechanical apparatus, for heat-
4 ing, lighting, manufacturing and mechanical purposes and
5 to sell the same; and also for the operation of any railroad,
6 or street railroad authorized by its charter or the general
7 laws to use electricity, and may erect, maintain and repair
8 all poles and wires necessary therefor, and may lay said
9 wires under ground as aforesaid; but said corporation shall
10 be responsible for all damages to persons or property occa-
11 sioned thereby, and shall be further liable to pay said towns

12 and cities any and all sums of money recovered against them,
13 or either of them, for damages for obstructions caused by
14 said corporation by use of said streets and highways, and all
15 expenses, including reasonable counsel fees incurred in
16 defending such suits with interest.

Sect. 13. Said corporation is hereby authorized and
2 empowered to lease and sell its said power for the purposes
3 aforesaid and to make contracts with corporations, individ-
4 uals, cities and towns for the lease and sale thereof, as con-
5 templated by its organization, and to enter into contract with
6 the same on such terms and conditions as may be mutually
7 agreed upon, and which, when so made, shall be legal and
8 binding on the parties thereto.

Sect. 14. Said corporation is authorized and empowered
2 to conduct the water from its said canal into the Penobscot
3 river in the city of Bangor at the place aforesaid by pen-
4 stocks or other mechanical methods or devices, erect build-
5 ings and other structures for its purposes, install water-
6 wheels, apparatus and machinery, and control said canal and
7 its discharge into said river for the purpose of developing
8 motive power as aforesaid.

Sect. 15. Said company shall furnish and deliver to the
2 towns of Orono, Milford, Bradley, Orono and Oldtown, the
3 inhabitants, firms and corporations therein, power for mo-
4 tive purposes, heating and lighting, in such amount or
5 amounts as shall be demanded and used by them, at its usual
6 market rates.

Sect. 16. The agent of the Penobscot tribe of Indians is
2 hereby authorized and empowered to settle with said com-
3 pany for any damage to the islands in said river belonging
4 to the State, by reason of any of the acts herein authorized,
5 subject to the review of the Governor of the State.

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

Sect. 18. The first meeting of said corporation shall be
2 called in the city of Bangor, in the county of Penobscot, by
3 notice signed by any two of the corporators named in sec-
4 tions one, setting forth the time, place and purposes of the
5 meeting, and such notice shall be mailed to each of the cor-

6 porators seven days at least before such day of meeting.

7 Any corporator may be represented at said first meeting by

8 proxy.

Sect. 23. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, January 29, 1909.

Reported by Mr. CLARK from Committee on Interior Waters
and ordered printed and recommitted.

E. M. THOMPSON, *Clerk.*