

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 735

STATE OF MAINE.

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

AN ACT to grant additional powers to the Rangeley Light
& Power Company.

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

Section 1. The Rangeley Light & Power Company, located at Rangeley in the county of Franklin, a corporation organized under the general laws of Maine for the purpose of generating, selling and distributing gas and electricity for lighting, heating, manufacturing and mechanical purposes, for furnishing electric light and power, and for lighting the streets and buildings in said Rangeley and adjoining plantations and townships in said Franklin county, the organization and acts of which corporation are hereby rati-

10 fied, affirmed and made valid, is hereby granted the follow-
11 ing additional rights, powers and privileges.

Sect. 2. Said company is hereby authorized to construct
2 and maintain a dam at the outlet of Long Pond in Sandy
3 River Plantation in said county, not exceeding one foot
4 higher than the existing dam there located, and construct
5 and maintain dams on the stream flowing from said Long
6 Pond into Rangeley Lake, all for the purpose of storing
7 water therein and to use the same for developing power
8 for the uses of said company for the purposes for which
9 it was created; provided always that the volume of water
10 naturally flowing in said stream shall not be diminished to
11 the detriment of any riparian owners. The damages for
12 flowage under the provisions of this section to be ascer-
13 tained in the manner prescribed in Chapter 94 of the Re-
14 vised Statutes.

Sect. 3. Said company is also hereby authorized to cut
2 and maintain canals and lay pipes from said Long Pond
3 and said stream to any point in the territory in which it
4 has a right to operate, and may erect and maintain all nec-
5 essary side dams appurtenant thereto, and erect electrical
6 and other plants, and such buildings, and take and occupy
7 all lands and appurtenances thereto belonging, as for pub-
8 lic use, as may be necessary for its purposes, or to carry
9 out the provisions of this act. Said company may enter
10 upon any lands necessary for its purposes, and take and
11 hold the same by purchase or otherwise, and may take and

12 occupy all rights of way necessary for access to its various
13 buildings and structures from the nearest highway, and
14 may enter upon any such lands for the purpose of making
15 preliminary surveys and setting marks and monuments
16 therefor.

Sect. 4. Said company shall file in the registry of deeds
2 for the county where the property lies, plans of the loca-
3 tion of all lands, and rights of way, water rights and other
4 property and rights taken under the provisions of this act,
5 and such land, rights of way, water rights and other prop-
6 erty rights shall be deemed to have been taken at the date
7 of such filing; but no entry shall be made on any land
8 except to make surveys as aforesaid until the expiration of
9 ten days from such filing.

Sect. 5. Said company shall be held liable to pay all dam-
2 ages that may be sustained by the taking of the existing
3 dam and its appurtenances at the outlet of said Long Pond
4 and for all other lands, rights, privileges and property
5 taken for its uses, and if the owners and the said company
6 fail to agree, then a commission of three disinterested per-
7 sons shall be appointed to determine the damages sustained
8 by such taking, as follows: The owners or the company
9 may file within twelve months from the time of such taking
10 in the clerk's office of the Supreme Judicial Court in and
11 for the county where the land taken is situated, either in
12 term time or vacation, a petition to said court for the
13 appointment of such commission, to consist of three disin-

14 terested persons, one selected by the owner, one selected
15 by the company, and the third selected by the court, and
16 upon such petition said court, after such notice as said
17 court shall deem proper, shall appoint such commission.
18 Such commission shall, as soon as may be, but after reason-
19 able notice, hear the parties and determine the amount of
20 damages sustained by said taking. The commission shall
21 have power to compel the attendance of witnesses and may
22 administer oaths, and when a witness refuses to attend he
23 shall be subject to the same penalties and proceedings, so
24 far as applicable, as witnesses summoned to attend the
25 Supreme Judicial Court. The commission or a majority
26 thereof after such hearing shall report to the court in said
27 county in term time their estimate of damages, and the
28 court may confirm, reject or recommit such report, or sub-
29 mit the subject matter thereof to a new commission. The
30 expenses of said commission may be apportioned by the
31 court or paid one-half by said company and one-half by
32 said property owners. When any such report shall have
33 been accepted and confirmed by said court, said court shall
34 render judgment and issue an execution thereon, and if the
35 damages shall remain unpaid for more than thirty days
36 after payment thereof is due and demanded, a bill in equity
37 may be filed in court, in term time or vacation, by the per-
38 son entitled to such damages, praying for an injunction
39 against the use or occupation of his land taken, and any

40 justice of the court, after summary notice to the company,
41 and upon proof of the facts, may without any bond filed,
42 issue an injunction prohibiting such use and occupation
43 until all damages and costs are paid. The bill shall be
44 entered, service of it made and continued at the next term
45 after the injunction is issued. At the second term, if pay-
46 ment has not been made, the injunction may be made abso-
47 lute; and all rights acquired by taking the land, and all
48 rights of property in and to whatever has been placed upon
49 it, cease, and the owner may maintain an action for its
50 recovery and protection.

Sect. 6. Said company is authorized to make contracts
2 with any municipality, corporation or individual for the
3 supply of either water power or electricity for any and all
4 purposes within the territory above named, and may estab-
5 lish written regulations for the supply of the same, and
6 may sell or lease any power developed and not used by it
7 for its own purposes; provided, however, that the same shall
8 not be conveyed and sold outside of the limits of this State.
9 The company may also, by agreement between the parties,
10 connect its pipe line with that of the Rangleley Water Com-
11 pany and make any contract that can be mutually agreed
12 upon to carry out the purposes for which these corporations
13 were severally created.

Sect. 7. Said company shall have power to construct and
2 maintain its lines, poles, wires, and fixtures for transmis-

3 sion of electricity over, across and under roads and streets
4 in the territory above described, subject, however, to the
5 conditions and restrictions of the general laws.

Sect. 8. Said company shall be liable in all cases to repay
2 to said town 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
6 or road by said company, together with counsel fees, and
7 other expenses necessarily incurred in defending the same;
8 provided, however, that said company shall have notice of
9 any suit wherein such damages shall be claimed, and shall
10 be allowed to defend the same at its own expense.

Sect. 9. In any dam or dams erected under the provisions
2 of this act said company shall construct and maintain suit-
3 able locks or sluices for the passage of logs and lumber,
4 and may make such improvements along said stream as
5 will facilitate the driving of logs and lumber therein.

Sect. 10. Said company shall, during the log-driving sea-
2 son, furnish the owners of logs and lumber with water for
3 the purpose of driving the same from Long Pond to Range-
4 ley Lake, provided, however, that this company shall only
5 be required to use stored water for that purpose, and may
6 demand and receive as a toll the sum of twenty cents for
7 every thousand feet of logs, or other lumber, board measure,
8 woods scale, which may pass over the improvements and

9 dam made by said company for the driving of which it
10 furnishes water as aforesaid, and said company shall have
11 a lien on all such logs and other lumber until the full
12 amount of such toll is paid, but the logs of each particular
13 mark only shall be holden to pay the toll on such mark,
14 and if said toll is not paid within thirty days after such
15 logs, or a major part of them, shall arrive in Rangeley
16 Lake in said county, or at the place of manufacture, said
17 company may seize said logs and sell at public sale so
18 many thereof as may be necessary to pay such toll, costs
19 and charges, ten days' notice of the time and place of such
20 sale being given in some newspaper published in said coun-
21 ty of Franklin. Provided further, that nothing contained
22 in this section shall limit the natural flow of water in said
23 stream for log-driving purposes.

Sect. 11. Said company is hereby authorized to issue its
2 capital stock to an amount provided in its charter and in-
3 crease the same according to the provisions of the general
4 law, and 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. 12. All the property, rights and franchises acquired,
2 erected, owned, held or controlled by this company or its
3 assigns, shall be subject to be taken over and become the
4 property of the State whenever said State shall determine

5 by proper legislation to acquire and maintain the same upon
6 payment of a fair value therefor, excepting, however, the
7 value of the franchises herein granted.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 19, 1909.

Reported by Mr. BURLEIGH from Committee on Judiciary
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*