

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 58

STATE OF MAINE.

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

AN ACT to incorporate the Androscoggin Reservoir Company and to authorize it to construct, acquire and maintain a reservoir or storage basin on the Magalloway River at or near the head of Aziscohos Falls in Lincoln Plantation in the County of Oxford for the purpose of maintaining a more constant flow of water in the Magalloway and Androscoggin Rivers for use for power and manufacturing purposes.

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

Section 1. William P. Frye, Hugh J. Chisholm, Herbert
2 J. Brown, Waldo Pettingill, Francis W. Fabyan, A. N. Bur-
3 bank and Wallace H. White, their associates, successors and
4 assigns are hereby made a body corporate under the name

5 of Androscoggin Reservoir Company, with all the rights,
6 powers and privileges hereinafter named.

Sect. 2. The capital stock of this corporation shall be
2 fixed by said corporators, and shall not be less than \$300,000,
3 and may be increased from time to time to not exceeding
4 \$1,000,000 by a vote representing a majority of the capital
5 stock outstanding.

Sect. 3. This corporation is hereby authorized to build a
2 dam and other necessary works and structures on Magal-
3 loway River at or near the head of Aziscohos Falls, so
4 called, in Lincoln Plantation in the County of Oxford in
5 the State of Maine, for the purpose of creating storage
6 basins and reservoirs to retain and control the waters of
7 said Magalloway River and of its connecting and tributary
8 waters, and for regulating and controlling the flow of water
9 in said Magalloway River, thereby increasing and making
10 more constant the flow of water in said Magalloway River
11 and the Androscoggin River, which shall be available at all
12 seasons of the year for use for manufacturing and power
13 purposes; and, in order to facilitate the driving of logs and
14 lumber down said Magalloway River, this corporation is
15 hereby authorized to build side dams, sheer booms, remove
16 rocks, make embankments and other improvements on said
17 Magalloway River from the head of said Aziscohos Falls
18 to the boundary line between Maine and New Hampshire.

Sect. 4. This corporation is hereby authorized by means
2 of any dams or other works which may be erected or ac-

3 quired by it under any of the provisions of this act, to hold,
4 store, and retain the waters of said Magalloway River in
5 any reservoir and storage basin created by its said dam and
6 other works, and to discharge and release said stored waters
7 and regulate and control the volume and flow of the same
8 for the uses and purposes provided in this act.

Sect. 5. This corporation is hereby authorized and em-
2 powered to acquire by purchase of the Union Water Power
3 Company, and the said Union Water Power Company is
4 hereby authorized to sell, assign, transfer and convey the
5 whole or any part of its lands, dams, flowage rights, prop-
6 erty, privileges, franchises and other rights in the counties
7 of Oxford and Franklin in the State of Maine, and the
8 county of Coos in the State of New Hampshire, and upon
9 such sale, assignment, transfer and conveyance the pur-
10 chaser may hold and enjoy the same absolutely, and shall
11 have in respect thereto all the rights, powers, privileges and
12 franchises relating thereto now possessed and enjoyed by
13 the said Union Water Power Company.

Sect. 6. When this charter shall have been accepted and
2 this corporation shall have been organized and subscrip-
3 tions to the capital stock thereof to an amount at least of
4 one hundred thousand dollars shall have been made, this
5 corporation may then exercise the right of eminent domain
6 and may take and hold as for public uses such lands, proper-
7 ties and rights, including any State or public lots, as it may
8 require for any of the uses and purposes aforesaid as pro-

9 vided in this act, and may also take such material as may
10 be needed for erecting and maintaining any of its dams and
11 structures; and in case this corporation cannot agree with
12 the owner or owners as to the price to be paid therefor, the
13 same shall be determined by the county commissioners of
14 Oxford County, upon application of any party interested in
15 the same manner as damages are assessed for the location
16 of highways as provided in Chapter 18 of the Revised
17 Statutes and acts amendatory thereof and additional thereto,
18 so far as the same shall be applicable, and with the same
19 rights of appeal from the decision of the county commis-
20 sioners as are provided in said chapter so far as the same
21 shall be applicable. This corporation is also hereby em-
22 powered to flow and cover with water such lands, including
23 any State or public lots, as may be required to enable it to
24 carry out the purposes of this act by means of any of its
25 dams, and shall be liable for all damages caused by said
26 flowing or covering with water, to be ascertained in the
27 same manner as prescribed in Chapter 94 of the Revised
28 Statutes.

Sect. 7. When this corporation shall take and hold any
2 land, dams or other property under the authority of this
3 act, it shall file in the registry of deeds for the county in
4 which the property taken is located a written statement of
5 its determination to exercise said power of eminent domain,
6 describing therein the property so taken and thereupon said

7 property shall be and become the property of said Andros-
8 coggin Reservoir Company.

Sect. 8. The State Land Agent is hereby authorized to
2 convey to this corporation such State and public lots or any
3 part or portion of the same or interest therein as shall be
4 taken by this corporation for any of the purposes of this
5 act and to agree with this corporation upon the damages
6 for the taking or flowing of any such lots, and in case the
7 parties are not able to agree upon such damages, to repre-
8 sent and act for the State in any proceedings to fix the
9 damages as herein provided.

Sect. 9. This corporation is hereby authorized and em-
2 powered to acquire by purchase of the Magalloway Dam
3 & Improvement Company, and said Magalloway Dam &
4 Improvement Company is hereby authorized to sell, assign,
5 transfer and convey its lands, dams and other properties
6 situated on the Magalloway River at Aziscohos Falls in
7 Township Number Five in the Second Range in Oxford
8 County, together with all rights, privileges, easements and
9 franchises connected therewith or appertaining thereto, sub-
10 ject, however, to all provisions of the charter of said Magal-
11 loway Dam & Improvement Company applicable thereto.
12 In case this corporation erects a dam at said Aziscohos
13 Falls as hereinbefore authorized, and said dam of said
14 Magalloway Dam & Improvement Company is abandoned
15 for that reason, all of the rights, privileges, easements and
16 franchises attaching to the dam so abandoned shall be trans-

17 ferred to and enure to the benefit of the dam of this corpo-
18 ration substituted therefor.

Sect. 10. This corporation is authorized and empowered
2 to purchase, hold and sell its own stock in accordance with
3 the provisions relating thereto which shall be provided for
4 in the by-laws of this corporation.

Sect. 11. This corporation may from time to time borrow
2 money for any lawful purpose by the issue of bonds or
3 debentures, on such terms as the stockholders may deter-
4 mine, and may pledge, or mortgage all the property, fran-
5 chises and income of the corporation, or any part thereof for
6 the payment of the sums so borrowed and interest thereon.

STATE OF MAINE.

IN SENATE,

January 26, 1909.

Presented by Mr. OSGOOD of Androscoggin, and on his motion tabled for printing pending reference to a committee.

F. G. FARRINGTON, *Secretary*.