

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 322

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## STATE OF MAINE.

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

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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 Aziscoos 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.

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*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.  
3 Burbank, Orton B. Brown and Wallace H. White, their  
4 associates, successors and assigns are hereby made a body

5 corporate under the name of Androscoggin Reservoir Com-  
6 pany, with all the rights, powers and privileges hereinafter  
7 named.

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

Sect. 3. This corporation is hereby authorized to build  
2 a dam and other necessary works and structures on Ma-  
3 galloway River at or near the head of Aziscoos 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, thereby increasing and making more  
8 constant the flow of water in said Magalloway River and  
9 the Androscoggin River, which shall be available at all sea-  
10 sons of the year for use for manufacturing and power pur-  
11 poses; provided that nothing herein contained shall author-  
12 ize this corporation to divert the waters so stored from their  
13 natural channel nor to decrease the flow in said Magalloway  
14 River below the natural low-water flow; and, in order to  
15 facilitate the driving of logs and lumber down said Magal-  
16 loway River, this corporation is hereby authorized to build  
17 side dams, sheer booms, remove rocks, make embankments  
18 and other improvements on said Magalloway River from  
19 the head of said Aziscoos Falls to the boundary line between  
20 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, subject, how-  
9 ever, to the provisions of the preceding section.

Sect. 5. When this charter shall have been accepted and  
2 this corporation shall have been organized and subscriptions  
3 to the capital stock thereof to an amount at least of one  
4 hundred thousand dollars shall have been made, this cor-  
5 poration may then exercise the right of eminent domain and  
6 may take and hold as for public uses such lands, properties  
7 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  
11 and structures; and in case this corporation cannot agree  
12 with the owner or owners as to the price to be paid there-  
13 for, the same shall be determined by the county commis-  
14 sioners of Oxford County, upon application of any party  
15 interested, in the same manner as damages are assessed for  
16 the location of highways as provided in Chapter 18 of the  
17 Revised Statutes and acts amendatory thereof and addi-  
18 tional thereto, so far as the same shall be applicable, and

19 with the same rights of appeal from the decision of the  
20 county commissioners as are provided in said chapter so  
21 far as the same shall be applicable. This corporation is  
22 also hereby empowered to flow and cover with water such  
23 lands, including any State or public lots, as may be required  
24 to enable it to carry out the purposes of this act by means  
25 of any of its dams, and shall be liable for all damages caused  
26 by said flowing or covering with water, to be ascertained  
27 in the same manner as prescribed in Chapter 94 of the Re-  
28 vised Statutes.

Sect. 6. 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 do-  
6 main, describing therein the property so taken and there-  
7 upon said property shall be and become the property of said  
8 Androscoggin Reservoir Company.

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

Sect. 8. This corporation is hereby authorized and empowered to acquire by purchase of the Magalloway Dam & Improvement Company, and said Magalloway Dam & Improvement Company is hereby authorized to sell, assign, transfer and convey its lands, dams and other properties situated on the Magalloway River at Aziscoos Falls in Township Number Five in the Second Range in Oxford County, together with all rights, privileges, easements and franchises connected therewith or appertaining thereto, subject, however, to all provisions of the charter of said Magalloway Dam & Improvement Company applicable thereto. In case this corporation erects a dam at said Aziscoos Falls as hereinbefore authorized, and said dam of said Magalloway Dam & Improvement Company is abandoned for that reason, all of the rights, privileges, easements and franchises attaching to the dam so abandoned shall be transferred to and enure to the benefit of the dam of this corporation substituted therefor.

Sect. 9. This corporation is authorized and empowered to purchase, hold and sell its own stock in accordance with the provisions relating thereto which shall be provided for in the by-laws of this corporation; but this corporation shall not purchase or hold said stock except for the purpose of re-sale, or for a longer period than one year, and said by-laws shall provide for the re-sale of said stock so that the amount of the capital stock of the corporation shall not be reduced.

Sect. 10. This corporation may from time to time borrow  
2 money for any lawful purpose by the issue of bonds or de-  
3 bentures, on such terms as the stockholders may determine,  
4 and may pledge, or mortgage all the property, franchises  
5 and income of the corporation, or any part thereof for the  
6 payment of the sums so borrowed and interest thereon.

Sect. 11. All the property, rights and franchises within  
2 the State of Maine acquired, erected, owned, held or con-  
3 trolled by this corporation or its successors or assigns at  
4 any time after this act shall take effect, shall be subject to  
5 be taken over and become the property of the State, when-  
6 ever said State shall determine by proper legislation to ac-  
7 quire, maintain and operate a system of water storage at  
8 the head waters of the Androscoggin River. Upon the  
9 taking effect of such legislation, the ownership of said prop-  
10 erty, rights and franchises shall immediately be transferred  
11 to and vested in said State, and said State shall make just  
12 compensation to the owner or owners thereof for the prop-  
13 erty, rights and franchises so taken, except the franchise  
14 conferred by this act upon the Androscoggin Reservoir Com-  
15 pany, which said franchise shall be wholly excluded in the  
16 determination of the amount to be paid to said corporation  
17 by the State. The fair value of the property, rights and  
18 privileges so taken by the State, subject to the exception  
19 hereinbefore mentioned, shall be determined by agreement  
20 between said corporation and such officers and agents of  
21 the State as shall be thereunto authorized to act in its behalf

22 by the act which authorizes the taking of said property,  
23 rights and privileges; and failing of such agreement within  
24 six months after said act takes effect, the Supreme Judicial  
25 Court in either county where any of the property, rights  
26 and privileges so taken are situated, may upon petition of  
27 either party appoint three disinterested persons as appraisers  
28 to fix and determine the amount of money to be paid for  
29 the fair value of the property, rights and privileges so taken,  
30 subject to the exception aforesaid. The method of pro-  
31 cedure and the duties and powers of the appraisers to be  
32 determined by the act authorizing such taking.

No power generated at the dam erected by this corpora-  
34 tion under the provisions of this act shall be transmitted by  
35 electric current for sale or use beyond the limits of this  
36 State without express authority of the Legislature.



STATE OF MAINE.

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IN SENATE,

March 3, 1909.

Reported by Mr. SMITH from Committee on Interior Waters and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary.*