

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 25

House of Representatives, Jan. 25, 1911.

*Introduced by Mr. Colby of Bingham and tabled for printing
by Mr. Davics pending reference to a committee.*

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Kennebec Dam and Reservoir
Company.

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

Section 1. Henry I. Harriman of Newton, Massachusetts,
2 Malcolm G. Chace of Providence, Rhode Island, and Samuel
3 W. Philbrick of Skowhegan, their associates, successors and
4 assigns are hereby made a body corporate under the name of
5 the Kennebec Dam and Reservoir Company with all the
6 rights and privileges incident to corporation.

Sect. 2. The capital stock of this corporation shall be fifty
2 thousand (\$50,000) dollars which may be increased by a
3 majority vote of its stockholders at any time or times to such
4 an amount as they may deem necessary and expedient. The

5 stock of said corporation shall be divided into shares of one
6 hundred (\$100) dollars each and each share shall be entitled
7 to one vote by the stock-holder or his proxy at all meetings
8 of stock-holders. The stock may be divided into preferred
9 and common stock, in such ratio and with such preferences
10 as may be determined by the stock-holders.

Sect. 3. In case of an increase in the capital stock of the
2 corporation as provided in the preceding section said cor-
3 poration shall file a certificate thereof in the office of the
4 secretary of state together with such additional fee or fran-
5 chise tax as is provided by the general law of the state, and
6 such increase in stock shall not be valid until such certificate
7 is filed and such fee or tax is paid. The name of said cor-
8 poration may be changed by a majority vote of its stock-
9 holders at any time to any name not in use by any other cor-
10 poration in Maine. A certificate of such change of name
11 and of the vote authorizing it shall be filed with the secre-
12 tary of the state.

Sect. 4. Said corporation may borrow money, issue its
2 bonds therefor, and, upon vote of its stock-holders, mort-
3 gage its property, rights and franchises to secure the pay-
4 ment of such bonds to an amount not exceeding the amount
5 of its capital stock.

Sect. 5. The persons named in section one of this act shall
2 receive subscriptions for the capital stock of said corpora-
3 tion from such persons as they may solicit, and shall, after
4 such capital stock has been subscribed as herein provided,

5 give notice to the stock-holders to meet for the election of
6 directors and the organization of the corporation.

Sect. 6. The management of the affairs of the corporation
2 shall be vested in a board of directors to consist of not less
3 than five members chosen from the stock-holders, and a
4 majority of such board of directors shall constitute a quorum
5 for the transaction of its business. Said directors shall
6 formulate the necessary by-laws for the management and
7 operation of said corporation.

Sect. 7. Said corporation shall not organize or be empow-
2 ered to transact business until ten thousand (\$10,000) dol-
3 lars of the capital stock has been subscribed, and twenty-
4 five (25%) of said sum has been paid in.

Sect. 8. The said corporation shall have the power and
2 authority to construct, maintain and operate dams across the
3 Kennebec River, in the State of Maine, at any place between
4 the end of Indian Pond, so-called, and the junction of the
5 east branch of the Kennebec, with Dead River, together with
6 all necessary wing walls, canals, flumes, tunnels, gates, pow-
7 er houses and necessary appurtenances, all for the purpose
8 of developing power and creating storage on said Kennebec
9 River. The said company shall have the right to use the
10 power thus generated for manufacturing purposes, and shall
11 have all of the powers, privileges and immunities of manu-
12 facturing corporations organized under the general law of
13 this state. It may develop electricity for its own use or for
14 sale, and may sell power for any purpose whatsoever, under

15 such limitations and restrictions as are imposed by the gen-
16 eral laws of Maine. The said company shall have the right
17 to enter into, or execute contracts, agreements or covenants,
18 in relation to the objects of the corporation and to enforce
19 the same, and be capable of purchasing, taking or holding or
20 leasing any estate, real or personal, necessary for said cor-
21 poration to acquire and hold in order to carry out the pur-
22 poses defined by this act. Said corporation may buy and
23 sell all articles necessary for carrying on the business au-
24 thorized by this charter.

Sect. 9. The corporation is hereby empowered to raise
2 the water in any great pond, and to flow and cover with
3 water any state or public lot, and shall have all of the rights
4 of flowage with regard to private lands which are granted to
5 any manufacturing company under the provisions of Chap-
6 ter ninety-four of the Revised Statutes.

Sect. 10. Damages for flowing private lands shall be set-
2 tled in accordance with the provisions of said chapter ninety-
3 four. The state land agent is hereby authorized to agree
4 with this corporation as to the damages for the flowing of
5 any public lots, and in the event of failure to so agree, the
6 damages shall be adjusted in accordance with the provision
7 of said chapter ninety-four.

Sect. 11. Said corporation, in the exercise of its powers,
2 granted it by said charter, may hold the flow of said river
3 in storage as may be necessary for the reasonable develop-
4 ment and use of such water power. It is, however, specifi-

5 cally provided that except at times when water is needed for
6 driving logs, of which notice shall be given by the Kennebec
7 Log Driving Company, the Kennebec Dam and Reservoir
8 Company shall operate its plants in such a manner as not to
9 disturb the continuous and uniform flow of the river to any
10 existing water power plants on said Kennebec River, and
11 shall not reduce said flow to said existing water power plants
12 below 1400 cubic feet per second, whenever the discharge of
13 water through the dams at the outlets of Moosehead Lake
14 equals or exceeds that amount.

Sect. 12. This corporation shall always maintain to the
2 logway in its dams a convenient and free passage for logs,
3 wood and other lumber, and a suitable logway with a proper
4 gate for the safe and convenient passage of logs, wood and
5 other lumber shall be constructed in each dam. Said log-
6 ways shall not be less than twenty-five feet wide in the
7 clear and not less than four feet deep, and shall be con-
8 structed in accordance with plans to be submitted to the di-
9 rectors of the Kennebec Log Driving Company and subject
10 to their approval, showing its location in the dam and its
11 general dimensions and slope. Not less than four feet of
12 water shall be maintained in said logway at all times when
13 required by the Kennebec Log Driving Company for the
14 driving of logs, to be measured by a steel gauge located
15 twenty-five feet from the side of said logway on the up-river
16 side of one of the wings of the dam. Suitable waste gates,
17 capable of discharging five thousand cubic feet per second,

18 and supplied with proper hoisting apparatus, shall also be
19 constructed in each dam. All additional expense of driving
20 logs, wood and other lumber, including the building of piers
21 and booms, caused by the dams, canals and other structures
22 of the Kennebec Dam and Reservoir Company, shall be borne
23 by the said company. The employees of the Kennebec Log
24 Driving Company shall have access to the waste gates, dams
25 and logways of said Kennebec Dam and Reservoir Com-
26 pany and the use thereof, and of the waters stored by said
27 dams, at all times when necessary to facilitate the driving of
28 logs, but only so much of the waters stored by said dam
29 shall be used for said purpose as shall equal that stored by
30 the present Indian Pond dam of the Kennebec Log Driving
31 Company.

Sect. 13. This corporation shall not sell or deliver power
2 outside of the State of Maine, directly or indirectly, or con-
3 solidate or merge with any corporation which shall sell or
4 deliver power outside of the State of Maine, or sell or deliver
5 power to any corporation, person or firm which shall sell or
6 deliver power outside of the State of Maine.

Sect. 14. All of 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. Upon
6 the taking effect of such legislation, the ownership of said
7 property, rights and franchises, shall immediately vest in

8 said state, and said state shall make just compensation to
9 the owner or owners thereof, therefor. But the franchise
10 conferred by this act shall be wholly excluded in determining
11 the amount to be so paid by the state. Failing an agreement,
12 as to the value of said property, the Supreme Judicial Court
13 may, upon petition, appoint three disinterested persons to
14 appraise said value. The method of proceeding and the
15 duties and powers of the appraisers to be determined by the
16 act authorizing such taking. Provided, however, that should
17 the state proceed under this section, it shall take over the
18 entire property of said company at one purchase and assume
19 all of its contracts and obligations.