

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 382

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*House of Representatives, March 2, 1911.*

*Reported by Mr. Emerson from Committee on Interior Waters and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT granting certain powers to the Pennamaquam Power  
Company.

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

Section 1. The Pennamaquam Power Company, a corporation existing under the laws of the State of Maine, successor to the Pembroke Power Company, its successors and assigns, is hereby authorized to lower the waters of Lake Pennamaquam, situated in the county of Washington, for the purpose of making more uniform its power, and when necessary for said purpose in periods of drought or dry seasons, to a level of eighteen inches below the low water mark of said lake in the year 1910; said low water mark

10 of the year 1910 to be determined by such civil engineer as  
11 may be agreed upon by the land owners, whose rights will  
12 be affected, and bordering on said lake, and the Pennama-  
13 quam Power Company, and to be fixed by said engineer  
14 upon investigation and such evidence as he deems neces-  
15 sary; said low water mark shall be established by said en-  
16 gineer at any time after thirty days' notice to all parties  
17 owning lands bordering upon said lake and affected by this  
18 act. Said notice shall be considered sufficient for the pur-  
19 poses of this act when the Pennamaquam Power Company,  
20 through its president, shall have mailed to the last known  
21 address of all real estate owners, resident or non-resident,  
22 whose names appear as being assessed upon the assessors'  
23 books of the town of Charlotte for the year in which this  
24 low water mark is established, a written communication  
25 stating its purpose to have the low water mark of 1910  
26 established by said civil engineer. In the event of the Pen-  
27 namaquam Power Company and land owners, whose rights  
28 are affected by this act, being unable to agree on the en-  
29 gineer aforesaid, then said land owners shall name a civil  
30 engineer, said power company shall name a civil engineer,  
31 and the two shall proceed to establish the low water mark  
32 as aforesaid; and in the event of their not being able to  
33 agree, these two shall have authority to choose a third party  
34 and the low water mark as agreed upon by any two of  
35 the three so acting shall be fixed and established as the low  
36 water mark of 1910. If real estate owners, herein referred

37 to, neglect, for a period of thirty days after having been  
38 notified by said Pennamaquam Power Company of their  
39 intention to have the low water mark of 1910 determined  
40 by a civil engineer, to express their desires as to who shall  
41 act as said engineer, and neglect to select an engineer within  
42 said thirty days, then such civil engineer as the Pennama-  
43 quam Power Company shall select shall proceed to fix the  
44 same and his decision shall be final.

For the purpose of lowering the water as aforesaid, the  
46 said Pennamaquam Power Company is hereby authorized  
47 and empowered to remove such ledges, rocks and other ob-  
48 structions at the outlet of Lake Pennamaquam, and where  
49 the same enters into Pennamaquam river, as are necessary  
50 for said purpose, and to make such improvements and to  
51 construct such appliances as may be necessary at the outlet  
52 of said lake to maintain the level of said lake as herein  
53 provided for. In no event, however, is the said power com-  
54 pany authorized or empowered by alterations so made or  
55 structures so erected to raise the waters of said lake above  
56 the present high water level.

Sect. 2. Any person, or persons, claiming damages under  
2 this act may obtain compensation for the injury in the same  
3 manner as is provided by any of the methods prescribed  
4 under chapter 94 of the Revised Statutes of the State of  
5 Maine.

Sect. 3. Nothing in this act shall authorize the taking at  
2 any time of water from Boydens Lake, the source of the

3 water supply for the city of Eastport; and the Eastport  
4 Water Company, for the purpose of at all times maintaining  
5 a sufficient supply of water for the uses of the city of East-  
6 port and the inhabitants thereof, is hereby authorized and  
7 empowered to construct and maintain at or near the Boy-  
8 dens Lake end of the small stream connecting Boydens  
9 Lake with Pennamaquam Lake, a good and sufficient dam  
10 to retain the water in Boydens Lake, and shall be liable for  
11 all damages caused by the taking of land therefor. Said  
12 damages, if not agreed upon, to be ascertained in the man-  
13 ner and under the same conditions, restrictions and limita-  
14 tions as are prescribed by law in the case of damages by the  
15 laying out of railroads. Until said dam shall be constructed  
16 as aforesaid, nothing in this section shall render the Penna-  
17 maquam Power Company liable to the Eastport Water Com-  
18 pany by reason of the provisions of this section.