

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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HOUSE NO. 186

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*House of Representatives, Feb. 8, 1917.*

*Referred to Committee on Public Utilities and five hundred copies ordered printed. Sent up for concurrence.*

*W. R. ROIX, Clerk.*

*Presented by Mr. Averill of Prentiss.*

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STATE OF MAINE

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

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AN ACT to incorporate the Independence Developing Company, of Kingman.

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

Section 1. W. H. Martin, Jerome Butterfield, O. W.  
2 Beatham, Hulbert Grant, Charles N. Thompson, J. J. Mc-  
3 Cormick, Byron E. Lindsay and W. I. Butterfield, their asso-  
4 ciates, successors and assigns, are hereby incorporated un-  
5 der the name of Independence Developing Company, for  
6 the purpose of doing a general manufacturing, illumining,  
7 heating and power business in the town of Kingman, in  
8 Penobscot county; also for the purposes of creating, leas-

9 ing and selling electricity and other power for manufactur-  
10 ing and other purposes. Also for the purpose of supplying  
11 the inhabitants of said town with water, lights and heat  
12 for all domestic, sanitary and municipal purposes, includ-  
13 ing the extinguishment of fires; also for the purpose of  
14 transmitting to points outside of said town electricity gen-  
15 erated within said town to be leased or sold for manu-  
16 facturing, illuminating, heating and power purposes, with  
17 the rights and privileges, and subject to the liabilities and  
18 obligations of similar corporations. And said company is  
19 authorized and empowered to purchase or otherwise obtain,  
20 and to sell or lease personal property, necessary for the  
21 prosecution of the purposes of the company, and generally  
22 to do all things necessary for and incident to such pur-  
23 poses, including the carrying on of a mercantile business  
24 in connection with any of the purposes of the company;  
25 also to take, hold and own, by purchase the stock, bonds  
26 or other obligations of other similar corporations and of  
27 disposing of the same in any lawful manner.

Sect. 2. Said company is authorized and empowered to  
2 locate, construct and maintain dams on the Mattawamkeag  
3 river in said town of Kingman, between the mouth of Mo-  
4 lunkus stream, so-called, and a line drawn across said river  
5 which shall be a continuation of the line between the said  
6 town of Kingman and the town of Drew; provided, that  
7 suitable sluices are constructed and maintained by said com-  
8 pany in said dams at its own expense for the passage of

9 logs and other lumber running down said river. Said com-  
10 pany is further authorized and empowered to cut, construct  
11 and maintain canals and other waterways from said dams  
12 to any point in said towns for the purpose of developing  
13 the water power on said river; and for the purpose of  
14 constructing said dams, canals and other waterways, it may  
15 take, occupy and enclose any lands adjoining the same on  
16 either side of said river which may be necessary for building  
17 or repairing the same and for other necessary purposes,  
18 and may blow and remove rocks in the river and dig up  
19 and remove land in said river when necessary.

Sect. 3. Said company is further authorized and em-  
2 powered to construct and maintain in, under, along, other  
3 than railroad bridges that now or may hereafter exist, pipes,  
4 hydrants, poles, wires and other structures necessary for  
5 the purposes of its incorporation, and to replace and repair  
6 the same when necessary; to enter upon and excavate any  
7 highway, or other ways, within said towns in such manner  
8 as least to obstruct the same; to take and hold, by pur-  
9 chase or otherwise rights of way and in general to do any  
10 acts necessary, convenient or proper for carrying out any  
11 of the provisions of this act. Nothing in this act, however,  
12 shall be construed as giving said company the right to take  
13 any part of the right of way of any railroad company under  
14 the power of eminent domain given in this act. Said com-  
15 pany may cross the right of way of any railroad company  
16 with wires, pipes, aqueducts or other structures mentioned

17 in this act and in case of failure to agree with any railroad  
18 company as to place, manner and conditions of crossing  
19 its right of way with such wires, pipes, aqueducts or other  
20 structures, the place, manner and conditions of such cross-  
21 ings shall be determined by the railroad commissioners, and  
22 all work within the limits of any railroad company's loca-  
23 tion shall be done under the supervision and to the satis-  
24 faction of the officers and agents of such railroad company,  
25 but at the expense of said Independence Developing Com-  
26 pany.

Sect. 4. Said company is further authorized and empow-  
2 ered within said town to cross any watercourse, private or  
3 public sewer, and to change the direction thereof, when  
4 necessary, but in such manner as not to obstruct or impair  
5 the use thereof, and said company shall be liable for any  
6 injury caused thereby. Whenever said company shall lay  
7 down or erect a structure in any highway, way or street,  
8 or make alterations or repairs upon its works in any high-  
9 way, way or street, it shall cause the same to be done at  
10 its own expense, with as little obstruction to public travel  
11 as may be practicable.

Sect. 5. Said company may erect and maintain dams on  
2 land which it may acquire by purchase or lease at the out-  
3 let of any lake tributary to said Mattawamkeag river, or  
4 may acquire by purchase or lease any existing dams on said  
5 lakes for the purpose of holding, storing, regulating and  
6 controlling the flow of the waters of said Mattawamkeag

7 river, and may hold, store, regulate and control, the waters  
8 raised by said dams and draw down the same as may be  
9 required for the purpose aforesaid, and said company is  
10 hereby empowered to flow such land as may be necessary  
11 to carry out the provisions of this act and such corporation  
12 shall be liable for all damages caused by said flowage to be  
13 ascertained and determined in the manner prescribed in  
14 chapter ninety-two of the revised statutes. Since all water  
15 held by all existing dams is subject to log driving purposes,  
16 nothing herein contained shall be considered as abridging  
17 or curtailing those rights or the existing rights of the Matta-  
18 wankeag Lake Dam Company, and nothing in this act shall  
19 apply to any waters in Washington county.

Sect. 6. Said company may enter for the location, erec-  
2 tion and maintainment of the dams mentioned in this act,  
3 and may by its agents with teams, or otherwise, pass and  
4 repass over the land of other persons for the purposes  
5 aforesaid and for the operation and management of such  
6 dams. Said company shall be held liable to pay all dam-  
7 ages that shall be sustained by any person or persons by  
8 the taking of any rights of way, or by excavating through  
9 any land for the purpose of surveying for, locating, laying,  
10 building or re-erecting dams, canals, reservoirs, pipes, hy-  
11 drants, poles, piers and other structures by taking and hold-  
12 ing any lands necessary for flowage, and for other injuries  
13 resulting from said acts. And if any person sustaining  
14 damage as aforesaid, cannot agree with said company upon

15 the sum to be paid therefor, either party, upon petition to  
16 the county commissioners of Penobscot county, within  
17 twelve months after plans are filed, as hereinafter provided  
18 may have said damages assessed by them and subsequent  
19 proceedings and right of appeal thereon shall be had in the  
20 same manner and under the same condition, restrictions  
21 and limitations as are by law prescribed in the case of dam-  
22 ages of laying out highways; failure to apply for damages  
23 within said twelve months shall be held to be a waiver of  
24 the same.

Sect. 7. Said company shall file in the registry of deeds'  
2 office, in the county of Penobscot, plans for the location of  
3 lands taken under the provisions of this act, and no entry  
4 shall be made on lands owned by other persons, except to  
5 make surveys until the expiration of said ten days from  
6 filing, and with said plans said company may file a state-  
7 ment of the damages it is willing to pay for any property  
8 so taken, and if the amount finally awarded does not exceed  
9 the sum, the company shall recover costs against such per-  
10 sons, otherwise such persons shall recover costs against the  
11 company.

Sect. 8. Said company is further authorized and empow-  
2 ered to make contracts with other corporations and with the  
3 inhabitants of any city, town or village corporation which  
4 now or hereafter may exist, for the purpose of supplying  
5 water, light, heat or power as contemplated by this act, and  
6 any other corporation, and the inhabitants of any city, town

7 or village corporation are hereby authorized to enter into  
8 contracts with said company for the supplying of water,  
9 light, heat or power for a term of years.

Sect. 9. The capital stock of said company shall not ex-  
2 ceed five hundred thousand dollars, divided into shares of  
3 one hundred dollars each. And for the purpose of carry-  
4 ing out any of the provisions for which said company is  
5 incorporated it is hereby authorized and empowered to issue  
6 its bonds in such form and amount and on such time and  
7 rates as it may deem expedient, not exceeding the amount  
8 of its capital stock actually subscribed for, and secure the  
9 same by mortgage of its property and franchises.

Sect. 10. Any two corporators named in this act may  
2 call the first meeting of this corporation, by mailing a writ-  
3 ten notice, signed by them, postage paid, to each of the other  
4 corporators, seven days at least before the day of the meet-  
5 ing, naming the time, place and purpose of such meeting.

Sect. 11. This act shall take effect when approved.