

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 579

House of Representatives, March 15, 1917.

Printed under joint rules.

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to incorporate the Independence Developing Com-
pany, of Kingman.

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
4 associates, successors and assigns, are hereby incorporated
5 under the name of Independence Developing Company, for
6 the purpose of doing a general manufacturing, illuminat-
7 ing, heating and power business in the town of Kingman,
8 in Penobscot county; also for the purposes of creating,

9 leasing and selling electricity and other power for manu-
10 facturing and other purposes. Also for the purpose of sup-
11 plying the inhabitants of said town with water, lights and
12 heat for all domestic, sanitary and municipal purposes, in-
13 cluding the extinguishment of fires; also for the purpose
14 of transmitting to points outside of said town electricity
15 generated 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; also for the purpose of
19 constructing and maintaining a sewerage system in the town
20 of Kingman. And said company is authorized and empow-
21 ered to purchase or otherwise obtain, and to sell or lease
22 personal property, necessary for the prosecution of the pur-
23 poses of the company, and generally to do all things neces-
24 sary for and incident to such purposes, including the carry-
25 ing on of a mercantile business in connection with any of
26 the purposes of the company; also to take, hold and own,
27 by purchase, the stock, bonds or other obligations of other
28 similar corporations and of disposing of the same in any
29 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 the
4 Molunkus stream, so-called, and a line drawn across said
5 river which shall be a continuation of the line between the
6 said town of Kingman and the town of Drew; provided,

7 that suitable sluices are constructed and maintained by said
8 company in said dams at its own expense for the passage
9 of logs and other lumber running down said river. Said
10 company is further authorized and empowered to cut, con-
11 struct and maintain canals and other waterways from said
12 dams to any point in said towns for the purpose of develop-
13 ing 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 build-
17 ing 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 empow-
2 ered to construct and maintain in, under, along, other than
3 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 re-
6 pair the same when necessary; to enter upon and exca-
7 vate any highway, or other ways, within said towns in such
8 manner as least to obstruct the same; to take and hold, by
9 purchase or otherwise, rights of way and in general to do
10 any acts necessary, convenient or proper for carrying out
11 any of the provisions of this act. Nothing in this act, how-
12 ever, shall be construed as giving said company the right
13 to take any part of the right of way of any railroad com-
14 pany under the power of eminent domain given in this act.

15 Said company may cross the right of way of any railroad
16 company with wires, pipes, aqueducts or other structures
17 mentioned in this act and in case of failure to agree with
18 any railroad company as to place, manner and conditions
19 of crossing its right of way with such wires, pipes, aque-
20 ducts or other structures, the place, manner and conditions
21 of such crossings shall be determined by the public utilities
22 commission and all work within the limits of any railroad
23 company's location shall be done under the supervision and
24 to the satisfaction of the officers and agents of such rail-
25 road company, but at the expense of said Independence De-
26 veloping Company.

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 its
10 own expense, with as little obstruction to public travel as
11 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 Mattawankeag 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 sixty-one 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 Mat-
18 tawamkeag Lake Dam Company, and nothing in this act
19 shall 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, lay-
10 ing, building or re-erecting dams, canals, reservoirs, pipes,
11 hydrants, poles, piers and other structures by taking and
12 holding any lands necessary for flowage, and for other in-

13 juries resulting from said acts. And if any person sus-
14 taining damage as aforesaid, cannot agree with said com-
15 pany upon the sum to be paid therefor, either party, upon
16 petition to the county commissioners of Penobscot county,
17 within twelve months after plans are filed, as hereinafter
18 provided may have said damages assessed by them and sub-
19 sequent proceedings and right of appeal thereon shall be
20 had in the same manner and under the same condition, re-
21 strictions and limitations as are by law prescribed in the
22 case of damages of laying out highways; failure to apply
23 for damages within said twelve months shall be held to be
24 a waiver of the same.

Sect. 7. Said company shall file in the registry of deeds'
2 office, in the county of Penobscot, plans for the location
3 of lands taken under the provisions of this act, and no en-
4 try shall be made on lands owned by other persons, except
5 to 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
3 the inhabitants of any city, town or village corporation
4 which now or hereafter may exist, for the purpose of sup-

5 plying water, light, heat or power as contemplated by this
6 act, and any other corporation, and the inhabitants of any
7 city, town or village corporation are hereby authorized to
8 enter into contracts with said company for the supplying of
9 water, 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 in-
5 corporated 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 call
2 the first meeting of this corporation, by mailing a written
3 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. It shall be unlawful for said corporation to
2 transmit electric current for sale or use beyond the limits
3 of this state, or to contract with any person, firm or cor-
4 poration for the transmission or sale of electric current be-
5 yond the limits of this state, and said corporation shall not
6 be permitted to acquire in any manner the franchise of, or
7 consolidate with, or transfer or lease its property, rights
8 and franchises to, any other corporation, firm or person

9 now transmitting or having the right to transmit electric
10 power beyond the confines of the state, without express au-
11 thority of the Legislature.

Sect. 12. 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
5 to be taken over, and become the property of the state
6 wherever said state shall determine by proper legislation
7 that the public interests require the same to be done. Upon
8 the taking effect of such legislation, the ownership of said
9 property, rights and franchises shall immediately be trans-
10 ferred to and vested in said state, and said state shall make
11 just compensation to the owner or owners thereof for the
12 property, rights and franchises so taken, except the fran-
13 chises conferred by the state of Maine upon this corpora-
14 tion, which said franchises shall be wholly excluded in the
15 determination of the amount to be paid to said corpora-
16 tion by the state. The fair value of the property, rights
17 and privileges so taken by the state, subject to the exemp-
18 tion hereinbefore mentioned, shall be determined by agree-
19 ment between this corporation and such officers and agents
20 of the state shall be thereunto authorized to act in its be-
21 half by the act which authorized the taking of said proper-
22 ty, rights and privileges; and failing of such agreement
23 within six months after said act takes effect, the supreme
24 judicial court in any county where any of the property,

25 rights and privileges so taken are situated, may upon peti-
26 tion of either party appoint three disinterested persons as
27 appraisers to fix and determine the amount of money to be
28 paid for the fair value of the property, rights and privi-
29 leges so taken, subject to the exception aforesaid. The
30 method of procedure and the duties and powers of the ap-
31 praisers to be determined by the act authorizing such taking.

Sect. 13. This act shall not take effect until all rights and
2 privileges of the Kingman Development Company granted
3 by Chapter three hundred twenty-three of the Private and
4 Special Laws of nineteen hundred and seven, as revised and
5 extended by Chapter one hundred and two of the Private
6 and Special Laws of nineteen hundred and fifteen shall
7 have terminated and become null and void.