

MAINE STATE LEGISLATURE

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(NEW DRAFT)

EIGHTIETH LEGISLATURE

HOUSE

NO. 234

House of Representatives, March 4, 1921.

Reported by Mr. Farnsworth from Committee on Public Utilities and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE**

AN ACT to Incorporate the Ashland Electric Light and Power Company.

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

Section 1. George H. Mooers, Linnie C. Mooers and
2 Nathaniel Tompkins, their associates, successors and as-
3 signs are hereby incorporated under the name of the Ash-
4 land Electric Light and Power Company, for the purpose
5 of manufacturing, selling, generating, distributing and sup-
6 plying electricity for lighting, heating, traction, manufac-
7 turing or mechanical purposes in the towns of Ashland,
8 Garfield, Masardis, Nashville and Portage Lake, in the

9 county of Aroostook and State of Maine, or for any or
10 either of such purposes, with all the rights, powers and privi-
11 leges, and subject to all the restrictions and liabilities by
12 law incident to similar corporations.

Sect. 2. Said company is authorized to locate, construct
2 and maintain a dam or dams on the Big Machias Stream in
3 the towns of Ashland and Garfield in said county, at or
4 near the site of the old dam, provided that suitable sluices
5 are constructed and maintained by said company in said
6 dam or dams east of the center line of said dam, at its own
7 expense, for the passage of logs and other lumber down
8 said river.

Sect. 3. Said corporation is hereby empowered to take,
2 and hold as for public use, such lands as may be necessary
3 for erection and maintenance of said dams; and in case
4 said corporation cannot agree with the owner or owners as
5 to the amount of land to be taken or the price to be paid
6 therefor, the said amount or price shall be determined by
7 the county commissioners of Aroostook county, upon the
8 application of any interested party to said county commis-
9 sioners, in the manner provided by the statutes of the state
10 of Maine, for the assessment of damages for the location,
11 alteration, and discontinuance of highways, and the same
12 rights of appeal from the decision of said county commis-
13 sioners shall exist, and may be prosecuted in the same man-
14 ner as provided in said statutes. The said corporation is
15 hereby empowered to flow such lands as may be necessary

16 to carry out the purposes of this act; but said company
17 shall have no right to flow any mill privilege upon which
18 a dam is now built without consent of the owner thereof.

Sect. 4. Said corporations shall file in the registry of deeds
2 for the county of Aroostook plans of the location of all
3 water rights or land taken under the provisions of this act,
4 and no entry shall be made upon lands owned by other per-
5 sons except to make surveys until ten days from said filing,
6 and with such plan said company shall file a statement of
7 the damages it is willing to pay to any person for property
8 so taken or for flowage so caused, and if the amount finally
9 awarded does not exceed that sum, the company shall re-
10 cover costs against such person; otherwise such person shall
11 recover costs against the company.

Sect. 5. Said company shall be held liable to pay all dam-
2 ages that shall be sustained by any person or persons by
3 the taking of any lands, water rights or land flowage; and
4 if any person sustaining damage as aforesaid shall not agree
5 with said company upon the sum to be paid therefor, either
6 party on petition to the county commissioners of Aroostook
7 county within three years after said plans are filed may
8 have the said damages assessed by them, and subsequent
9 proceedings and the right of appeal therein shall be had
10 in the same manner and under the same conditions, restric-
11 tions and limitations as are by law prescribed in the case
12 of damages by the laying out of highways. Failure to apply
13 for damages within said three years shall be held to be a
14 waiver of the same.

Sect. 6. The capital stock of said company shall not exceed fifty thousand dollars divided into shares of one hundred dollars each. Said company may hold all real and personal estate necessary and convenient for the purposes aforesaid. It may also hold stocks and bonds of other corporations organized under the laws of Maine.

Sect. 7. Said corporation is hereby authorized to set poles and extend wires in and through the streets and ways of the towns of Ashland, Garfield, Masardis, Nashville and Portage Lake, for the purpose of furnishing electric lights for public and private use within said towns, subject to the permission of the municipal officers thereof under such reasonable restrictions as they may impose, and subject to the general laws of the state regulating the erection of posts and wires for electrical purposes. It is also empowered to transmit electric power for lease or sale to such points in said towns as may be feasible, in such manner as may be expedient, and, subject to the general laws aforesaid, it may erect and maintain all posts, wires and fixtures necessary therefor. Said corporation is authorized to make contracts with said towns for public lighting and said towns are authorized to so contract for a term of years.

Sect. 8. Said Ashland Electric Light and Power Company may issue its bonds and notes in such amounts as may be required for the purposes of its incorporation and for the purposes authorized by this act, and secure the same by mortgage on the franchises and property of said company

6 in the manner prescribed by the general laws of the state
7 governing such corporations.

Sect. 9. The first meeting of said corporation may be
2 called by written notice thereof, signed by any incorporator
3 herein named, served upon each incorporator by a copy of
4 the same in hand or mailed, postage paid, at least seven days
5 prior to the day named therein for such meeting.

Sect. 10. Nothing herein contained is intended to repeal
2 or shall be construed as repealing the whole or any part
3 of any existing statute. And all the rights and duties herein
4 mentioned shall be exercised and performed in accordance
5 with all the applicable provisions of chapter fifty-five of the
6 revised statutes.