

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-THIRD LEGISLATURE**

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**House Document**

**No. 552**

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H. P. 1254      House of Representatives, March 31, 1927.

Reported from Committees on Public Utilities, Interior Waters, Judiciary, jointly. Read once, under suspension of the rules, tomorrow assigned. 500 copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

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**STATE OF MAINE**

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

---

AN ACT to Create the Kennebec Reservoir Company and  
Define the Powers Thereof.

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

Section 1. Archibald R. Graustein, H. DeForest Lock-  
2 wood, George S. Williams, Waldo E. Pratt, Garrett  
3 Schenck, W. E. Winchester, Fred C. Bagley and Walter  
4 S. Wyman, their associates, successors and assigns are here-  
5 by made a body corporate under the name of the Kennebec  
6 Reservoir Company, with all the rights, powers and privi-  
7 leges hereinafter named.

Sect. 2. Said corporation is authorized and empowered  
2 to fix the amount of its capital stock, and the classes there-

3 of, and to increase the same from time to time, not exceed-  
4 ing, however, in the aggregate two million dollars.

Sect. 3. Said corporation is hereby authorized and em-  
2 powered to build dams and other necessary works and  
3 structures on Dead River, at or near the head of Long  
4 Falls, near the southeasterly corner of township three,  
5 range four, in the county of Somerset, for the purposes  
6 of creating storage basins and reservoirs to retain and con-  
7 trol the waters of Dead River and the tributaries thereof,  
8 thereby increasing and making more constant the flow of  
9 water in the Kennebec river, for use at all seasons of the  
10 year for manufacturing and power purposes on said Ken-  
11 nebec river and for facilitating the driving of logs and lum-  
12 ber on Dead river. And in order to facilitate the driving  
13 of logs and lumber down said Dead river without unneces-  
14 sary waste of water, said corporation is authorized to build  
15 and maintain dams, side dams, sheer booms, remove rocks,  
16 make embankments and other improvements on said Dead  
17 river from the location of its reservoir dams to its union  
18 with the Kennebec river.

Sect. 4. Said corporation is authorized by means of its  
2 said works to hold, store and retain said waters in any  
3 reservoir or storage basin so created, and to discharge and  
4 release the same and control the volume and flow thereof  
5 for the uses and purposes and subject to the restrictions  
6 aforesaid. It may make such reasonable rules and regula-  
7 tions as may be deemed necessary for the most advan-

8 tageous use thereof, and is authorized to contract with own-  
9 ers and users of water power benefited by said develop-  
10 ment for defraying the cost thereof in any manner which  
11 may be agreed upon.

Sect. 5. Said corporation is authorized and empowered,  
2 when subscriptions to its capital stock at least of three hun-  
3 dred thousand dollars have been made, to acquire by pur-  
4 chase or otherwise, or to take and hold, as for public uses,  
5 all, but not less than all, dams, booms, piers, rafts and other  
6 property used or useful in the driving or floating of logs  
7 or lumber, which may at the time of such purchase or tak-  
8 ing, be located in or on any part of said Dead river, be-  
9 tween the mouth of Alder stream and the mouth of Dead  
10 river, together with the dam at the outlet of Big Spencer  
11 pond and such works and improvements in and on the out-  
12 let stream from said outlet to Dead river, belonging to the  
13 Kennebec Log Driving Company or to any other corpora-  
14 tion authorized by law to drive on said section of Dead  
15 river or on said outlet stream, including so much of the  
16 franchise or franchises as relate to driving on said section  
17 or on said outlet stream, and such owner or owners are  
18 authorized and empowered to sell the same to it; provided,  
19 however, that the acquisition of such franchise or fran-  
20 chises shall not impose any duties or burdens, or create  
21 any conditions, limitations or restrictions inconsistent with  
22 the franchises, rights and privileges elsewhere in this act  
23 conferred upon this corporation. All proceedings in rela-

24 tion to said taking and the assessment of damages there-  
25 for shall be as provided in chapter sixty-one, sections  
26 twelve to twenty-one, both inclusive, of the revised statutes;  
27 provided, that the legality of such taking shall not be af-  
28 fected by an omission of this corporation to include in its  
29 notice of taking mention of any specific item or items of  
30 property, or of any such log driving corporation owner,  
31 unless it be shown that such omission was made with fraud-  
32 ulent intent. Subject to the last preceding exception, any  
33 notice of taking filed as provided by law, unless otherwise  
34 expressly stated, shall be deemed to be notice of taking  
35 all that this corporation is authorized by this section to  
36 take, and all persons and corporations affected thereby  
37 shall have the same rights and be subject to the same duties  
38 as though they and the property so affected were fully de-  
39 scribed, and may be heard and enforce their rights accord-  
40 ingly.

The dams, booms, piers, rafts and other property, includ-  
2 ing the dam at the outlet of Big Spencer pond and works  
3 and improvements in the outlet thereof, described in this  
4 section as the property of the Kennebec Log Driving Com-  
5 pany, are meant to include all of the works and facilities  
6 within the territory described herein which were formerly  
7 owned and used by the Dead River Log Driving Company  
8 and are now owned, used or controlled by the Kennebec  
9 Log Driving Company with all additions thereto made or  
10 acquired by or under the latter company.

Immediately construction is begun for said reservoir dam  
2 or dams Kennebec Reservoir Company shall offer in writ-  
3 ing to pay Kennebec Log Driving Company for all its prop-  
4 erty and improvements existing or used on Dead River and  
5 its tributaries, the amount of Kennebec Log Driving Com-  
6 pany's then existing indebtedness therefor to be shown by  
7 the books of account of and certified by the auditor of  
8 Kennebec Log Driving Company. If within thirty days of  
9 receipt of said offer, Kennebec Log Driving Company shall  
10 transmit in writing to Kennebec Reservoir Company its  
11 acceptance thereof, together with statements of the afore-  
12 said indebtedness, and inventory of aforesaid property and  
13 improvements with said statement and inventory certified  
14 as true by its said auditor, Kennebec Reservoir Company  
15 shall forthwith pay to Kennebec Log Driving Company as  
16 full compensation for all of said property, including so  
17 much of its franchise as is mentioned in this section a sum  
18 equal to the amount of said indebtedness so certified and  
19 interest thereon from the date of said written acceptance  
20 by Kennebec Log Driving Company. If such offer is not  
21 accepted in writing within thirty days after its receipt, said  
22 Kennebec Reservoir Company shall take the whole of said  
23 property and improvements of Kennebec Log Driving Com-  
24 pany aforesaid, and may exercise and enjoy the franchises  
25 mentioned in the next section hereof to the exclusion of the  
26 Dead River Log Driving Company and the Kennebec Log  
27 Driving Company, paying them or either of them only for

28 the physical property and improvements, with no damages  
29 for the franchises so taken, the assessment of damages for  
30 the property and improvements so taken to be as provided  
31 in chapter sixty-one, sections twelve to twenty-one inclusive  
32 of the revised statutes.

Sect. 6. From and after the time when this corporation  
2 shall have acquired by purchase or otherwise, as provided  
3 in section five of this act, the properties and franchises  
4 therein mentioned, or the Kennebec Log Driving Company  
5 shall have failed to accept a written offer therefor as pro-  
6 vided in section five, and it has taken by purchase or other-  
7 wise that belonging to others than the Kennebec Log Driv-  
8 ing Company and the Dead River Log Driving Company,  
9 it shall drive all logs, lumber and pulpwood that may be  
10 offered to it within its limits in said Dead river below the  
11 mouth of said Alder Stream which flows into the North  
12 Branch and all logs, lumber and pulpwood which may be  
13 offered and delivered to it at the dam at the foot of Big  
14 Spencer pond, or in said outlet stream below the dam, in-  
15 cluding all area flowed by its dams as far as the same may  
16 extend up the South Branch of Dead river, landing them  
17 in Kennebec river within the limits of Kennebec Log Driv-  
18 ing Company; at which point they are to be taken up by  
19 owners, or others having authority to receive them without  
20 further obligation on the part of said Kennebec Reservoir  
21 Company; provided, that said logs and lumber shall not be  
22 turned over this corporation's reservoir dam against said

23 Kennebec Log Driving Company's protest that they cannot  
24 then be safely discharged.

Sect. 7. This corporation shall be required to make one  
2 drive per year. It shall be started from the mouth of  
3 Alder stream seasonably but in no event later than June  
4 first and from all other points seasonably for delivery as a  
5 unit; and said drive shall be delivered into Kennebec river  
6 at The Forks within the limits of Kennebec Log Driving  
7 Company to be taken up by the Kennebec Log Driving  
8 Company before or at the time the rear of the main Kenne-  
9 bec drive passes said point and in any event by July first  
10 annually. It shall not be required to drive from any start-  
11 ing point any logs, lumber or pulpwood, which shall not be  
12 there when the rear of its drive shall be seasonably started  
13 from that point nor to drive the same season any logs which  
14 shall not be delivered to it before the rear of its drive sea-  
15 sonably started passes the point of attempted delivery.

This corporation shall remove all growth on the area flowed  
2 by it seasonably to prevent it from falling and being car-  
3 ried away by the water and in any event within four years  
4 of the commencement of said flowage. It shall keep the  
5 area at the mouth of all tributaries flowing into its reservoir  
6 and Dead river below reasonably clear for the entrance of  
7 logs, lumber and pulpwood during the driving season, and  
8 shall boom logs and lumber driven into it from said tribu-  
9 taries and to it offered for driving. Persons landing logs,  
10 lumber or pulpwood within the flowed area for driving by



11 this corporation shall deliver them within drivable waters  
12 and boom the same. Drivable waters in this section are de-  
13 fined: in the reservoir, to be within the area within a con-  
14 tour line representing a twenty-five foot head on the reser-  
15 voir dam; on that part of Dead river and its branches above  
16 the actual flowage of said reservoir at the time of said de-  
17 livery and extending up the North Branch to the mouth  
18 of Alder Stream and up the South Branch to a point of the  
19 same height as the crest of the reservoir dam, and on the  
20 outlet stream from Big Spencer Pond to Dead river, and  
21 on Dead river from the reservoir dam to the Kennebec  
22 River and on Flagstaff Lake taken at its present level and  
23 elevation, to be in each case the area heretofore considered  
24 drivable waters for the landing of logs, lumber and pulp-  
25 wood as practiced by the Kennebec Log Driving Company.  
26 This corporation shall erect and maintain monuments suit-  
27 able for the purpose and sufficient in number and place to  
28 indicate to persons landing logs as above provided the area  
29 within said contour line of a twenty-five foot head and the  
30 said point so reached on the South Branch. One or more  
31 persons, firms or corporations desiring this corporation to  
32 drive not less than five thousand cords of logs, lumber or  
33 pulpwood after the aforesaid annual drive has been made  
34 by this corporation may give notice thereof to this corpo-  
35 ration in writing. This corporation may elect, in writing  
36 to said persons, firms or corporations within twenty days  
37 after receipt of said notice to make such drive itself, where-

38 upon it shall undertake and complete the same within the  
39 limits and subject to the regulations governing said annual  
40 drive, as far as the same are applicable, and receive the  
41 same tolls therefor, or, if it does not so elect, the owners  
42 may make the drive at their own expense. This corporation  
43 shall make reasonable effort to land any such extra drive  
44 or drives driven by it in the Kennebec river, at The Forks,  
45 immediately after, and not before the regular drive of the  
46 Kennebec Log Driving Company shall have passed over the  
47 dam at Solon; and delivery by it to said Kennebec Log  
48 Driving Company in Kennebec river at The Forks, shall  
49 terminate its responsibility.

This corporation shall be responsible for sufficient water  
2 to make the regular and one such extra drive annually, if  
3 so much shall have flowed into its reservoir including Spen-  
4 cer Lake during the current year, and shall provide water  
5 for such additional drives as may be made as aforesaid if it  
6 then has it. This corporation shall receive and drive logs,  
7 lumber and pulpwood to the reasonable satisfaction of the  
8 Directors of the Kennebec Log Driving Company, consistent  
9 with the foregoing provisions.

Sect. 8. This corporation is authorized and empowered  
2 to collect and receive tolls for driving logs, lumber and  
3 pulpwood within the area aforesaid, and parts thereof, at  
4 the following rates per thousand board feet, viz:

Between the mouth of Alder stream and the point of flow-

2 age caused by this corporation's dam located at Long Falls,  
3 twenty-five cents;

From the point of delivery within the flowage area as de-  
2 fined in section seven, to The Forks, seventy-five cents;

From said dam, or any point west of the mouth of Spencer  
2 stream, to The Forks, fifty cents;

From the mouth of Spencer stream, or any point west of  
2 the mouth of Enchanted stream, to The Forks, forty cents;

From the mouth of Enchanted stream, or any point west  
2 of the mouth of Salmon stream, to The Forks, thirty cents;

From the mouth of Salmon stream, or any point east, to  
2 The Forks, ten cents;

From the dam at the foot of Big Spencer pond or any  
2 point in the outlet stream to Dead river (in addition to the  
3 aforesaid tolls for driving on Dead river), thirty cents.

These tolls are to remain in force for a period of ten  
2 years and thereafter until revised in any manner pro-  
3 vided by the legislature. The word "west" used in desig-  
4 nating direction in this section means the course from the  
5 mouth of Dead river towards its sources, notwithstanding  
6 the actual direction at any given point. For the purpose of  
7 this section two cords of pulpwood or wood cut in four-  
8 foot lengths shall equal one thousand board feet.

Sect. 9. Charges for driving logs, lumber and pulpwood  
2 as aforesaid, shall be due and payable when the drive to  
3 be made by this corporation is completed; and said corpora-  
4 tion shall have a lien on all such logs and lumber which

5 it shall drive for the driving of the same as provided in  
6 this act, which lien shall have precedence of all other claims  
7 except liens reserved to the state and laborers' liens, shall  
8 continue for three months after the logs or lumber shall  
9 arrive at the place of destination for manufacture or sale,  
10 and may be enforced by attachment.

Sect. 10. The owners of logs, lumber or pulpwood to  
2 be driven by this corporation shall, on or before the first  
3 day of June in that year, file with the clerk of this corpora-  
4 tion a correct statement in writing, signed by a sworn sur-  
5 veyor, of all such logs, lumber and pulpwood intended for  
6 the regular annual drive, of the number of feet, sound  
7 scale, with the mark or marks thereon, together with the  
8 place from which the logs are to be driven and their destina-  
9 tion. This corporation may adopt such statements as cor-  
10 rect for the purpose of ascertaining the amount of tolls to  
11 which it is entitled, or cause the same to be scaled. If any  
12 owner fails to file such statement, the corporation shall give  
13 such owner written notice of its intention to have his logs,  
14 lumber or pulpwood estimated by a qualified and sworn  
15 surveyor and unless such owner files such statement within  
16 seven days after receiving such notice, said estimate may  
17 be made by the corporation and shall be conclusive upon  
18 such owner.

Whenever this corporation elects to make any later drive  
2 as provided in section seven, the foregoing provisions as  
3 to filing statements, and the effect thereof, and of failure

4 to do so, shall be applicable thereto, except that the same  
5 be filed on or before the date of starting the drive.

Sect. 11. This corporation is authorized and empowered  
2 to acquire by purchase from other corporations and indi-  
3 viduals who are authorized to drive logs or lumber on any  
4 tributaries or on the Kennebec river, and such corporations  
5 are authorized and empowered to sell and convey to it, any  
6 part or all of their respective properties and franchises for  
7 log-driving purposes; and to contract with such corpora-  
8 tions and individuals concerning their respective duties as  
9 log-driving companies. Provided, however, that no acquisi-  
10 tion of the franchises of another corporation and merger  
11 thereof with the franchise of this corporation in any man-  
12 ner under this or any other section of this act, shall be  
13 deemed to qualify or restrict any franchise or other right  
14 which this corporation otherwise acquires through this  
15 charter or from any other source, but shall be deemed to  
16 be additional thereto.

Sect. 12. Said corporation is authorized to acquire by  
2 purchase, lease or otherwise such lands, properties and  
3 rights, including any state, public or reserved lots, as it may  
4 require; and when subscriptions to the capital stock thereof  
5 to an amount of at least three hundred thousand dollars  
6 have been made, it is authorized and empowered to take  
7 and hold as for public uses, such lands, properties and  
8 rights (not including state, public and reserved lots, or parts  
9 thereof) as it may require for any of the aforesaid uses

10 and purposes, and such material as may be needed for  
11 erecting and maintaining any of its dams and works, and  
12 all proceedings in relation to said taking and the assess-  
13 ment of damages therefor shall be as provided in said  
14 chapter sixty-one, sections twelve to twenty-one, both in-  
15 clusive, of the revised statutes. Said corporation is also  
16 authorized and empowered, when subscriptions of the afore-  
17 said amount shall have been made to its capital stock, to  
18 flow such lands as may be necessary to carry out the pur-  
19 poses of this act, and the damages therefor and for flow-  
20 age caused or authorized under any other section of this  
21 act not otherwise expressly provided unless arranged by  
22 mutual agreement, shall be ascertained and determined in  
23 the manner prescribed in chapter ninety-seven of the re-  
24 vised statutes; provided, however, that the owner of any  
25 land, the whole or a part of which is so flowed, may at  
26 any time after the beginning of said flowage and before  
27 final adjudication of his damages yearly or in gross, file  
28 his petition in term time or vacation, in the supreme judicial  
29 court in the county where said land lies, or if said land  
30 lies in part in two counties, then, in either, electing to take  
31 in place of said damages the amount provided in any writ-  
32 ten option within six years heretofore taken by the Central  
33 Securities Corporation, or the Central Maine Power Com-  
34 pany, or any one of the incorporators in this act, or any  
35 person in behalf of any of the same from the then owners  
36 of said land; and upon proof of said option, the court shall

37 decree the title to the land in said option described to this  
38 corporation and shall order judgment for the petitioner and  
39 against this corporation for the amount in said option  
40 proven, and interest thereon from the date of filing said  
41 petition; all proceedings under this proviso to be as in  
42 equity. And except as herein provided said corporation  
43 may have the benefit of chapter one hundred and ninety-  
44 six of public laws of nineteen hundred and twenty-one. The  
45 provisions of this section shall not be construed to author-  
46 ize the taking of property or franchises described in sec-  
47 tion eleven otherwise than by purchase.

Provided, however, that this corporation shall not flow  
2 out any part of the highway which leads from North New  
3 Portland to Dead river and thence to Stratton until it shall  
4 have constructed in place thereof, or of such parts as are  
5 to be flowed, highways, or parts of highways connecting  
6 the parts of the present highway not so to be flowed, rea-  
7 sonably safe and convenient, as follows: one leading from  
8 a point south of the Ledge House, on said road from North  
9 New Portland, where the reservoir begins, to Stratton,  
10 passing east of Bigelow mountain; the other from the same  
11 point and leading by the east side of the reservoir to a point  
12 near the dam and thence on the dam or north thereof to  
13 the opposite side of Dead river. This corporation may ac-  
14 quire by purchase, or take as for public uses, lands and  
15 materials for the location and construction of such high-  
16 ways, and all proceedings in relation to said taking and

17 the assessment of damages therefor shall be as by law pro-  
18 vided for the taking of lands and materials for highways.  
19 Such highways shall be constructed to the approval of the  
20 county commissioners of the counties in which they, or the  
21 respective parts of them, are situated. This corporation  
22 shall give written notice to the clerks of the boards of coun-  
23 ty commissioners of Franklin and Somerset counties be-  
24 fore it proceeds to build such roads, and shall locate them  
25 as directed by the joint action of said boards if it receives  
26 such directions in writing within sixty days after the giv-  
27 ing of its notice as aforesaid; otherwise, the corporation  
28 shall fix the location. The roads so constructed shall be  
29 and become public highways, and all rights therein and du-  
30 ties and obligations in respect thereof shall be the same as  
31 though said highways had been located, laid out and con-  
32 structed in manner provided in the general laws of the state.  
33 Such construction shall work a discontinuance of the roads  
34 and parts of roads so flowed with the same effect as if dis-  
35 tinued in the manner provided by statute, and shall consti-  
36 tute full settlement for all damages to the state or any sub-  
37 division thereof for flowing said existing highways; provid-  
38 ed, however, that this shall not be construed to release this  
39 corporation from any legal liability to abutters for damages  
40 caused by such flowage or changed location.

Sect. 13. The state of Maine does hereby lease, demise  
2 and let unto said Reservoir Corporation the state, public  
3 or reserved lots in said township three, range four, in which



4 the storage dams are to be located under section three of  
5 this act, and also such state, public or reserved lots as are  
6 flowed by the development hereinbefore provided for, to  
7 have and to hold the same for the term of fifty years from  
8 the date of filing by this corporation, in the office of the  
9 secretary of state, its acceptance of this charter, which filing  
10 shall be construed to be an acceptance by the corporation  
11 of the terms of this lease, which are as follows:

(a) The lessee shall pay therefor to the treasurer of the  
2 state an annual rental of twenty-five thousand dollars, pay-  
3 able on or before the thirtieth day of June of each year.  
4 Said rental shall begin to accrue from the first day of July  
5 next following the acceptance of this charter, as aforesaid.

(b) The state may retake the demised premises and all  
2 of the structures, rights, privileges and other properties of  
3 the lessee owned and used by it in the erection and operation  
4 of its storage reservoir under this charter, at the termina-  
5 tion of this lease, paying therefor the net investment therein,  
6 which net investment shall not include any compensation  
7 for the value of franchises granted under this act and shall  
8 not exceed one-half the cost of dams then in existence plus  
9 the cost of other property and rights so taken; or this  
10 tenancy shall be renewed for such term and on such condi-  
11 tions as to rental, further options of renewal or retaking,  
12 and all other conditions as may then be determined by the  
13 legislature and accepted by the corporation. Provided, how-  
14 ever, that if the state shall not have notified the corporation

15 in writing, through any agency designated by the governor  
16 and council, of its intention so to take the same, not less  
17 than one year before the expiration of the term hereof, and  
18 the parties do not agree upon the terms of a renewal of  
19 the tenancy at least six months before the expiration hereof,  
20 this tenancy shall be deemed to be extended for the addi-  
21 tional term of twenty years, in all respects like this lease  
22 except as to the amount of the annual rental; provided,  
23 however, that if the corporation shall not have notified the  
24 governor not more than five nor less than three years before  
25 the expiration of any term of the date of expiration thereof,  
26 the state may exercise its option to retake upon one year's  
27 notice at any time within the then current term. Where  
28 the parties are unable to agree upon the compensation to be  
29 paid by the state upon taking over the property, or the rental  
30 that shall be charged for any further term or terms, either  
31 the corporation or the governor may apply by petition to any  
32 justice of the supreme judicial court, in equity, for the  
33 determination thereof in such manner as the court may deem  
34 equitable and just, and said court is given equitable jurisdic-  
35 tion for such purpose. The foregoing provisions as to re-  
36 taking by the state and renewal of tenancy when the state  
37 does not so retake shall apply automatically at the expira-  
38 tion of each succeeding twenty year term.

(c) The lessee shall file annually before the first day of  
2 April with the state treasurer, a verified statement showing  
3 the true balance sheet of the corporation as of the preced-

4 ing December thirty-first, and the profit and loss account  
5 for the calendar year ending on that date. And the state  
6 auditor shall at all reasonable times have access to the books  
7 of the corporation for the purpose of investigating its fi-  
8 nancial affairs, and the accounts shall be kept in manner  
9 satisfactory to the state auditor.

(d) The lessee may allow water to be drawn from the  
2 dam for the purpose of developing power and may sublet  
3 any portion of the premises hereby demised for the con-  
4 struction and maintenance of canals, penstocks, power  
5 plants, transmission lines and other structures for the gen-  
6 eration and transmission of power, and receive compensa-  
7 tion therefor, but no electric current generated on said  
8 premises shall be transmitted outside of the state contrary  
9 to the provisions of section one, chapter sixty of the re-  
10 vised statutes and acts amendatory thereof and additional  
11 thereto.

(e) The state reserves to itself all rights to removal of  
2 timber and grass and all other rights to use of the premises  
3 hereby demised except in so far as such use will unreason-  
4 ably interfere with the use of said premises for the pur-  
5 poses of this lease.

(f) The right of the state to take over, maintain, and  
2 operate all the property of this corporation at any time by  
3 exercise of the power of eminent domain upon payment of  
4 just compensation therefor is hereby expressly reserved.

(g) For purposes of taxation the improvements placed

2 upon the demised property by or under the corporation shall  
3 be deemed to be the property of the corporation.

(h) "Net Investment" as used in this act shall mean the  
2 actual legitimate original cost thereof plus similar costs of  
3 additions thereto and betterments thereof, minus the sum  
4 of the following items properly allocated thereto, if and to  
5 the extent that such items have been accumulated during  
6 the period of this lease from earnings in excess of six per  
7 centum per annum on such investment: (1) Unappropriated  
8 surplus. (2) Aggregate credit balances of current de-  
9 preciation accounts. (3) Aggregate appropriations of sur-  
10 plus or income held in amortization, sinking fund, or simi-  
11 lar reserves, or expended for additions or used for the pur-  
12 poses for which such reserves were created. (4) The ag-  
13 gregate of dividends or other distribution of surplus in ex-  
14 cess of six per centum per annum on such investment. Pro-  
15 vided, however, that moneys advanced by the stockholders  
16 for the purpose of paying indebtedness incurred for capital  
17 purposes, and for which capital stock is issued at once or  
18 from time to time, shall not be considered income or treated  
19 as deductions in determining net investment, however the  
20 amounts of such contributions may be fixed.

(i) The state may enter to remove the tenant for failure  
2 to perform any of the terms or conditions of this lease.

The state of Maine covenants that it has power to lease  
2 the premises described in this section, to hold as herein pro-  
3 vided, and to make and keep, and cause to be kept, all agree-

4 ments herein stipulated by it to be done and caused to be  
5 done; and this corporation, and those claiming under it  
6 through any rights expressly granted or permitted to be  
7 granted by this act, is hereby granted authority to prosecute  
8 suits at law and in equity in the courts of this State against  
9 the state of Maine, joining other parties if necessary, in the  
10 same manner and with the same effect that such suits may  
11 be begun and prosecuted between private suitors, for re-  
12 covery of compensation for damages suffered through fail-  
13 ure or inability of the state to keep said covenants and  
14 agreements, and to obtain such relief as may be just and  
15 equitable if the status of the state in respect of the premises  
16 is changed. The supreme judicial court is hereby given  
17 jurisdiction in equity for the purposes hereof, and any  
18 judgment recovered in said actions at law or in equity shall  
19 be payable from the state treasury on final process out of  
20 money not otherwise appropriated; provided, that in suits  
21 at law the evidence shall be taken out before a single justice  
22 of the supreme judicial court and the case reported to the  
23 law court for final determination.

Sect. 14. This corporation is empowered to authorize the  
2 selectmen of any town, the assessors of any plantation or  
3 organized township, and the selectmen of a town or asses-  
4 sors of a plantation or organized township adjoining any  
5 unorganized township, to take up from any existing ceme-  
6 tery in such town, plantation or organized township, or un-  
7 organized township respectively, which will be flowed by

8 any of its dams, the bodies and remains of all deceased  
9 persons buried therein, and all headstones and markers at  
10 the graves therein, and remove said bodies and remains to  
11 a new cemetery to be selected by said selectmen or assessors  
12 and there decently inter the same, and properly reset such  
13 headstones and markers over such dead bodies and remains.  
14 Such new cemeteries shall be located with due regard to  
15 the convenience of all the inhabitants of the respective com-  
16 munities in which they are located. Said selectmen and  
17 assessors are in each case, within thirty days after being  
18 so requested in writing by this corporation, to select the  
19 place for a new cemetery and fix the bounds thereof, and  
20 to proceed with reasonable diligence to cause the removal  
21 of the bodies, remains, headstones and markers, as afore-  
22 said. If they fail to do so, this corporation is authorized  
23 and empowered to make such selection or selections and  
24 cause such removals to be made. All of the expenses in-  
25 curred in procuring the lands necessary for such cemeteries,  
26 in clearing and fitting the ground and fencing the same, and  
27 in the taking up and removal of all of the remains of all  
28 deceased persons, and in the removal of said headstones and  
29 markers, and the interment of said remains and resetting of  
30 said headstones and markers shall be paid for by this cor-  
31 poration.

No claim shall be made against this corporation for not  
2 complying with the terms herein set out unless the same  
3 is made within sixty days after this corporation gives said

4 selectmen or assessors written notice that it has performed  
5 its duties under this section. And nothing herein contained  
6 shall be construed to limit or qualify the rights of flowage  
7 conferred upon this corporation by any provision of this  
8 act or which it may possess under any law of the state.

Sect. 15. Said corporation is authorized and empowered  
2 to purchase, hold and sell its own stock in accordance with  
3 the provisions relating thereto, which shall be provided for  
4 in the by-laws, but it shall not purchase or hold said stock  
5 except for the purpose of re-sale, or for a longer period of  
6 time than one year; provided that said corporation may re-  
7 tire any part or any class of its capital stock or substitute  
8 another class therefor in any manner provided in its by-  
9 laws and not inconsistent with the laws of the state.

Sect. 16. Said corporation may from time to time borrow  
2 money for any lawful purpose and may issue bonds on such  
3 terms as the stockholders may determine, secured by pledge  
4 or mortgage of all the property, franchises, and income of  
5 the corporation or any part thereof for the payment of the  
6 sums so borrowed and interest thereon; provided, that the  
7 total amount of bonds outstanding shall at no time exceed  
8 twice the amount of capital stock paid in in cash.

Sect. 17. This corporation shall not generate, sell or dis-  
2 tribute electricity in any manner, and shall not dispose of  
3 its property or franchises to any corporation which has  
4 authority to do so; provided that this restriction shall not

5 affect any rights granted in section thirteen, sub-division  
6 (d) of this act.

Sect. 18. The first meeting of this corporation shall be  
2 called at Augusta by a notice signed by any two of the cor-  
3 porators named in section one, setting forth the time, place  
4 and purpose of the meeting. Such notice shall be mailed  
5 to each of the corporators, postage paid, seven days at least  
6 before the day of such meeting. Any corporator may be  
7 represented at such meeting by proxy.

Meetings of the board of directors may be held, for any  
2 purpose, within or without the state if the by-laws so pro-  
3 vide.