

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 167**

H. P. 260

House of Representatives, January 28, 1943.

Referred to Committee on Public Utilities, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Boyd of Winn.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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**AN ACT to Incorporate the Kingman Water Company.**

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

**Sec. 1. Kingman Water Power Company incorporated.** J. Frank Campbell, Lawrence Osgood and Lannas E. Boyd, their associates, successors and assigns, are hereby created a body politic and corporate by the name of the Kingman Water Power Company, with all the powers, rights and privileges of similar corporations. Said corporation is especially authorized to do a general manufacturing illuminating, heating and power business, for the purpose of creating, leasing, and selling electricity and other power for manufacture and other purposes.

**Sec. 2. Location of dams.** Said Kingman Water Power Company is authorized and empowered to locate, construct and maintain, dams on the Mattawankeag river and tributaries thereto; said dam, to be located near the highway bridge over said Mattawankeag river, in said Kingman. Further provided, that suitable sluices are constructed and maintained by the company, in said dam for the passage of logs and lumber running down said river.

Said company is authorized and empowered to cut and construct and maintain canals and other water ways from said dam to any point in said

Kingman, for the purpose of developing the water power in said river, and for the purpose of constructing said dams, canals and other waterways, it may take, occupy, or enclose any land adjoining the same, on either side of the river, if necessary, for building or repairing the same, and other necessary purposes.

**Sec. 3. May erect dams at outlets of lakes tributary to Mattawamkeag river, flowage damages, exemptions and proviso.** Said Kingman Water Company may erect dams on land which they may acquire, lease, or purchase at the outlet of any lakes, tributary to the Mattawamkeag river, and may hold, regulate, and control, the water raised by said dam, and draw down the same as may be required for the purpose aforesaid and said Company is hereby empowered to flow such land as may be necessary to carry out the provisions of this act, and such corporation shall be liable for all damages, caused by said flowage, to be ascertained, and determined in the manner prescribed in chapter 106 of the revised statutes. Since all water held by all existing dams, including Baskehegan stream is subject to log driving purposes, nothing herein contained shall be considered as abridging or curtailing those rights or the existing rights of the Mattawamkeag Lake or Dam Company.

**Sec. 4. Right of way; adjustment of damages.** Said Kingman Water Power Company may enter for the location, erection and maintenance of the dam mentioned in this act, and may by its agents, teams, or otherwise pass or repass, over the land of other persons for the purposes aforesaid and for the operation and management of such dams.

Said corporation shall be held liable to pay all damages that shall be sustained by any person or persons by the taking of rights of ways, or by excavating through any land for the purpose of surveying for, locating, laying, building, or re-erecting dams, piers and other structures, by taking and holding any land necessary for flowage, and for other injuries resulting from said act, and if any person sustaining damages as aforesaid cannot agree and said company upon the sum to be paid therefor, either party, upon petition to the county commissioners of Penobscot county within 12 months after plans are filed, as hereinafter provided, may have said damages assessed by them, and subsequent proceedings and rights of appeal thereon, shall be had in the same manner and under the same conditions, restricting and limitation as are by law prescribed in the case of damage as laying out highways.

Failure to apply for damages within 12 months shall be held to be a waiver of the same.

**Sec. 5. Capital stock.** The amount of the capital stock may be fixed by the corporation, at such sum as is deemed requisite for the purposes of the corporation but not in excess of \$50,000.

**Sec. 6. Meetings, how called.** The first meeting of the incorporators for the organization may be called on written notice by any one of them and mailed, postpaid, to each of them 5 days, at least before said meeting, naming the time, place and purposes of such meeting; and at such meeting a president, secretary, treasurer and directors may be chosen and by-laws adopted, and any corporate business transacted.

**Sec. 7. Incidental powers granted.** All incidental powers, rights and privileges, necessary to the accomplishment of the main object herein set forth are granted to this corporation.

**Sec. 8. Existing statutes not affected; rights conferred.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any sustaining statute. All rights and duties herein mentioned shall be exercised and performed in accordance with all applicable provisions of chapter 56 of the revised statutes, and acts amendatory thereof and additional thereto.