

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

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**Chapter 462.**

An Act to incorporate the Frankfort Power Company.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

- Corporators.** Section 1. Albert Peirce, Frank L. Tyler, Darius K. Drake, John Peirce and James F. Hurley, their associates, successors and assigns are hereby created a body politic and corporate by the name of Frankfort Power Company.
- corporate name.**
- Capital stock.** Section 2. The capital stock of said company shall be fifty thousand dollars. It may be increased from time to time, by a vote representing a majority of the capital stock issued, but shall never exceed one million dollars.
- Purposes.** Section 3. The purposes of said company shall be to store and regulate the flow of the waters of Marsh river, in the county of Waldo, so that said waters may be economically employed for manufacturing and mechanical purposes; to erect and maintain mills and factories at Frankfort, in said county of Waldo; to furnish water power for manufacturing and mechanical purposes; and to generate, make, sell, distribute and supply electricity and electrical power for lighting, heating, manufacturing, mechanical and transportation purposes, in any or all towns in said county of Waldo, except the city of Belfast.
- May take real estate and where.** Section 4. In order to accomplish the purposes aforesaid, said company may take and hold any and all real estate, which it may deem necessary or convenient therefor, adjacent to that part of the Marsh river, in the towns of Winterport and Frankfort, which lies below Plummer's Mills, so called, in West Winterport, or adjacent to any tributary or tributaries which flow into said Marsh river below said Plummer's Mills, together with necessary or convenient rights of way from the public ways in said towns to property so taken or otherwise acquired by said company. It may construct and maintain dams and reservoirs for the storage of water upon that part of said river which lies below said Plummer's Mills, and upon any tributary or tributaries which flow into said Marsh river below said Plummer's Mills, and may store and retain the waters of said river and said tributaries therein. It may construct and maintain a canal, not exceeding one mile in length, beginning at any point on said river below said Plummer's Mills, and therein divert such portion of the waters of said river as it deems expedient, and take and hold real estate necessary or convenient therefor.
- may construct dams.**
- construct a canal.**
- May acquire dams on Marsh river and take real estate.** Section 5. Said company shall have the right to acquire by purchase, any existing dam or dams upon said Marsh river, and in case it so purchases any such dam, it may take and hold any

and all real estate which it may deem necessary or convenient for the purposes aforesaid, adjacent to that part of said Marsh river which lies below the dam next above the dam so purchased, or adjacent to any tributaries which flow into said Marsh river below the dam next above the dam so purchased, together with necessary or convenient rights of way from public ways to property so taken or otherwise acquired by said company. It may build dams and reservoirs upon that part of said Marsh river described in this section, or upon the tributaries thereto, in which it may store and retain water, provided that said company shall in no way hinder or prevent owners of existing mills or dams, upon said Marsh river, or any of its tributaries, from obtaining, in times of high water, a sufficient head to operate their mills, and in times of low water an amount equal the ordinary flow of the stream at such times.

—may build dams on Marsh river and tributaries.

—shall not hinder owners of mills from obtaining sufficient head of water.

Section 6. Said company shall have the right to raise and rebuild any dam which it may purchase, and the damages by flowage caused by the increased height of any such dam, or by any new dam erected by it, may be recovered by complaint, as provided in chapter ninety-two of the revised statutes.

May raise any dam purchased.

—damage, how recovered.

Section 7. Said company may enter upon the lands described in sections four and five to make surveys and locations, and shall file in the registry of deeds of the county of Waldo, plans of such locations and lands showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively.

Shall file plan of locations in register of deeds.

Section 8. Should the said corporation and the owner of any land required for the said purposes of the corporation, be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after the said filing of plans of location, apply to the commissioners of said county of Waldo, and cause such damages to be assessed in the same manner and under the same conditions, as are prescribed by law in the case of damages by the laying out of highways. If the said corporation shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sums as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of the said county, the said location shall be thereby invalid and the said corporation shall forfeit all rights under the same, as against the owner of the land. The said corporation may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers

Damages, how ascertained in case of disagreement.

—if damages are not paid within 90 days location becomes invalid.

—may tender damage.

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more damages than was tendered him by the said corporation, he shall recover cost, otherwise the said corporation shall recover cost. In case the said corporation shall begin to occupy such land before the rendition of final judgment, the land owner may require the said corporation to file its bond to him with the said county commissioners, in such sum and with such sureties as they may approve, conditioned for the payment of the damages that may be awarded. No action shall be brought against the said corporation for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within the said twelve months, shall be held to be a waiver of the same. The corporation shall have the right to flow lands, and damages for flowage only, shall be recovered by complaint, as provided by chapter ninety two of the revised statutes.

—failure to apply for damages held to be a waiver.

—shall have right to flow land.

May hold real estate to the amount of \$50,000.

—may issue bonds and mortgage property.

First meeting, how called.

Section 9. The said corporation for all its purposes may take and hold real and personal estate necessary and convenient therefor, to the amount of fifty thousand dollars. The said corporation may issue its bonds for corporate purposes, of any and all kinds, upon such rates and time and in such amounts as it may deem expedient, and secure the same by a mortgage of its franchise and property.

Section 10. The first meeting of said corporation shall be called by a written notice thereof, signed by any two of the within named incorporators, served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in the county of Waldo.

Section 11. This act shall take effect when approved.

Approved March 21, 1901.

### **Chapter 463.**

An Act for the better protection of Shell Fish within the towns of West Bath and Brunswick.

*Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:*

Section 1. No shell fish shall be taken from any flats within the limits of the town of West Bath, in Sagadahoc county, nor from that portion of the town of Brunswick, in Cumberland county, lying opposite the said town of West Bath and extending as far west as the Gurnet bridge, so called, except by written permit of the municipal officers of the town wherein such flats are located, and payment to the town for the privilege at such

Shell fish shall not be taken in certain localities except by permission of municipal officers.