

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

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opposite or nearly opposite the upper end of island number four to said island number four, and also at any other point or points between the lower end of island number three and the upper end of island number four aforesaid, as may appear necessary or convenient in the carrying on of the business of said company in holding and manufacturing lumber.

Approved March 18, 1903.

Chapter 202.

An Act to authorize the Caratunk Power Company to erect and maintain dams across the Carrabasset River in the towns of Anson and Embden.

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

Caratunk Power Co. authorized to maintain dam across Carrabasset river.

Section 1. The Caratunk Power Company, a corporation organized and existing under the laws of the state of Maine, and having its established place of business at Fairfield, in the county of Somerset, is hereby authorized to erect and maintain a dam across the Carrabasset river, upon that part of said river that constitutes the town line between Anson and Embden, also a dam across the said Carrabasset river, about half a mile below Cleveland rips, so called, provided that suitable sluices, for the passage of logs and lumber, shall be constructed and maintained in said dams, for manufacturing and other purposes, with all of the rights and privileges, and subject to the liabilities and obligations of similar corporations, under the laws of this state. Provided, that nothing herein shall be construed as authorizing said company to take any water power by right of eminent domain.

—proviso.

—liabilities and obligations.

May cut and maintain canals.

Section 2. Said corporation is hereby authorized to cut and maintain canals from said dams, and to erect and maintain necessary side dams, appurtenant thereto, and for the purpose of constructing and maintaining said dams and canals, may take, occupy and enclose any land adjoining the same, which may be necessary for building or repairing the same, and other necessary purposes and may blow up and remove any rocks in said river, and dig any of the land near said river, when necessary to said purposes. And may enter upon any land for the purpose of making necessary preliminary surveys, and setting marks and monuments therefor, and may take and hold by purchase or otherwise, any real estate, rights of way or of water, and may also take and occupy any land necessary for the construction and maintenance of a road from the end of said dam, on each side of the said Carrabasset river, to the highways leading from Anson to New Portland.

—may enter upon land for surveys.

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Section 3. Said company is authorized to make contracts with any municipalities, corporation or individual, for the supply either of water power or electricity, and may establish written regulations for the supply of the same, and may sell or lease any power not used by it on the dams aforesaid.

May contract to supply power.

Section 4. Said company shall have authority to construct and maintain its lines, poles, wires and fixtures, for the transmission of electricity, along, over, across and under the roads and streets in the towns of Madison, Starks, Anson, Cornville, Solon and Embden; also to generate and supply electricity in said towns, subject, however, to the conditions and restrictions provided in chapter one hundred and two of the public laws of eighteen hundred and ninety-five, so far as applicable to the use of said roads and streets. Provided, that said company shall not supply electricity for any purpose within the territorial limits of the town of Anson without the consent of the Carrabasset Stock Farms Company, except within the limit of one mile of the westerly terminus of the Norridgewock Falls bridge. No pole lines shall be established within one mile of the limits of the village of North Anson. Provided, further, said company shall not construct and maintain lines, poles, wires and fixtures in the town of Madison until the same shall have been approved by a major vote of those present and voting at a legal meeting of voters of said town acting under a proper article in the warrant calling said meeting.

May transmit electricity.

—proviso.

Section 5. Said company shall be liable in all cases to repay to said towns all sums of money that said towns, or either of them, may be obliged to pay on any judgment recovered against them, or either of them, for damages occasioned by any obstruction, taking up or displacement of any street or road by said company, together with counsel fees, and other expenses necessarily incurred in defending the same; provided, however, that said company shall have notice of any suit wherein such damages shall be claimed, and shall be allowed to defend the same at its own expense.

Liabilities.

Section 6. Said company shall file in the registry of deeds for the county of Somerset, plans of the location of all lands and rights of way, taken under the provisions of this act, and no entry shall be made on any land, except to make surveys as aforesaid, until the expiration of ten days from such filing; and with such plan, the company may file a statement of the damages it is ready to pay to any person, for any property so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against said person, otherwise such person shall recover costs against the company.

Plans of location shall be filed in registry of deeds.

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Liable to pay damages for taking of lands, rights of way or water.

—damages for flowage.

Capital stock may be increased

Madison Village Corporation may purchase.

—proceedings if price cannot be agreed upon.

Section 7. Said corporation shall be held liable to pay all damages that shall be sustained by any person or corporation, by the taking of any lands, rights of way or of water, or other property as aforesaid, and if such person or corporation, sustaining damages, as aforesaid, shall not agree with said company upon the sum to be paid therefor, either party, on petition to the county commissioners of Somerset county, within twelve months after such plans are filed, 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 restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said twelve months shall be held to be a waiver of the same. For all damages occasioned by flowage, said corporation shall not be liable to an action at common law, but the person injured may have a remedy by complaint for flowage, in which the same proceedings shall be had as in a complaint for flowage under the mill acts of this state.

Section 8. Said company is hereby authorized to increase its capital stock from time to time in such manner and under such restrictions as are provided for increasing the capital stock of corporations organized under the general law, and may issue its bonds to an amount not exceeding the amount of capital stock, and secure the same by mortgage upon its franchise and property.

Section 9. At any time the Madison Village Corporation by a majority vote at a legal meeting called therefor, shall have the right to purchase the franchise and property of said company at a price to be agreed upon between said company and said village corporation; and if such price cannot be agreed upon, then at a price which shall be determined by a commission of three competent and disinterested persons, one of whom shall be selected by said company, one by said village corporation, and the third by the two so selected if they can agree, if not, then by the chief justice of the supreme judicial court of Maine. The award of said commissioners shall be binding upon said company and said village corporation, and said village corporation shall pay the amount of said award for said property and franchise within ninety days after said award shall have been rendered. The cost of said commission shall be borne equally by said company and said village corporation.

Section 10. This act shall take effect when approved.

Approved March 18, 1903.