

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-SECOND LEGISLATURE

OF THE  
STATE OF MAINE

1905.

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Published by the Secretary of State, agreeably to Resolves of  
June 28, 1820, February 18, 1840, and March 16, 1842.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

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and steamers. Said wharf to be located at North Brooklin, about one and one-half miles from the head of Harriman's Cove, on the westerly side of said bay, on or near Benjamin Dodge's Point, so called.

Section 2. This act shall take effect when approved.

Approved March 18, 1905.

### Chapter 286.

An Act to incorporate the Midland Power Company.

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

Section 1. Stephen A. Nye, Frank B. Purinton and George G. Weeks, their associates, successors and assigns, are hereby made a body corporate by the name of the Midland Power Company, with all the rights, powers and privileges, and subject to all the duties and obligations of similar corporations under the general laws of this state, with power by that name to sue and be sued, to have a common seal, to establish all by-laws and regulations for the management of its affairs not repugnant to the laws of this state, and to do and perform any and all legal acts incident to similar corporations.

Corporators.

—corporate name.

Section 2. Said corporation is hereby authorized to make, generate, sell, distribute and supply electricity for lighting, heating, manufacturing and mechanical purposes in the town of Canaan in the county of Somerset, and in as much of the town of Fairfield in said county as lies north of a certain line running westerly from the Kennebec river, beginning at a point one-half mile south of Shawmut Village and extending to the Smithfield line; also, so much of the town of Clinton in the county of Kennebec as lies within one mile of the east bank of the Kennebec river.

Authorized to distribute electricity.

—towns in which franchises may be exercised.

Section 3. Said corporation is further authorized to construct and maintain a dam with the right of flowage in the Carrabasset stream at a point near the location of the Ricker privilege, so called, and to acquire by purchase or otherwise, any and all other water powers, privileges and property incident thereto on said stream, and to construct and maintain dams thereon. But nothing herein shall be construed as granting to said company the right to flow existing privileges not acquired, or take any water power by right of eminent domain.

May maintain a dam with right of flowage.

—location of dam.

—may acquire other water power and maintain damsthereon.

Section 4. Said corporation is hereby authorized to construct and maintain dams at the foot of Oak pond, Long pond, Sibley

Authorized to maintain dams at foot

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of Oak pond,  
Long pond,  
Sibley pond  
and Morrill  
pond.

--damage for  
flowage, how  
recovered.

Authorized to  
maintain  
canals.

--necessary  
side dams.

--may take  
lands.

--may enter  
on lands for  
surveys.

May make  
contracts for  
supplying  
electricity or  
water power.

May maintain  
lines of wire,  
etc.

Liability for  
damages.

--damages for  
displacement  
of streets.

Shall file  
plans of  
location.

pond and Morrill pond for the purposes of storing water therein, and the damages for flowage caused by such dams may be recovered in accordance with the provisions of chapter ninety-four of the revised statutes, provided that the volume of water naturally flowing in said stream shall not be diminished to the detriment of any riparian owner.

Section 5. Said corporation is hereby authorized to cut and maintain canals from the said dams and to erect and maintain necessary side dams appurtenant thereto, and for the purpose of constructing and maintaining said dams and canals and of erecting electrical or other plants thereon, 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 stream and take any of the land near said stream when necessary to said purposes. Said corporation 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 dams on the easterly side of said stream to the nearest highway.

Section 6. Said company is authorized to make contracts with any municipality, corporation or individual for the supply, either of water power or of electricity within the territory above described, 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.

Section 7. Said corporation shall have authority to construct and maintain its lines, poles, wires and fixtures for the transmission of electricity over, across and under roads and streets in the territory above described, subject, however, to the conditions and restrictions of the general laws.

Section 8. 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.

Section 9. Said company shall file in the registry of deeds for the county where the land lies, 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 the sum, the company shall recover costs against said person, otherwise such person shall recover costs against the company.

Section 10. Said corporation shall be held liable to pay all damages that shall be sustained by any person or corporation, by the taking up of 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 or Kennebec counties, within twelve months after such plans are filed, may have such damages assessed by them, and subsequent proceedings and rights of appeal thereon as shall be had in the same manner and under the same restrictions and limitations as are by law prescribed in the case of damages in 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 11. Said company is hereby authorized to issue its capital stock to an amount not exceeding one hundred thousand dollars, and may issue its bonds to an amount not exceeding its capital stock and secure the same by mortgage of its franchise and property.

Section 12. Said company is hereby authorized to sell all its rights, property and franchise to any company authorized to make, generate, sell, supply and distribute electricity within said territory, and purchase all the rights, property and franchise of any other company authorized to do such business in such territory.

Section 13. The first meeting of said company may be called by the first incorporator, but failing to do so, either of the others may, by a written notice signed by him stating the time, place and purpose thereof and sent by mail to his associates, at least five days before said meeting.

Section 14. This act shall take effect when approved.

Approved March 18, 1905.

Damages for taking of lands, etc., how recovered.

Damages for flowage, how recovered.

Capital stock.

—may issue bonds.

May sell its property to any corporation engaged in a similar business.

First meeting, how called.