

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

Published by the Secretary of State, agreeably to Resolves of
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

ness, rights, privileges, franchises and capital stock of the other shall have full right and power to hold, exercise and operate the same.

Section 4. Said corporation for the purposes of its organization or for the purposes authorized by this act is hereby authorized and empowered to issue its bonds to an amount not exceeding its then capital stock and to secure the same by a mortgage or pledge of any and all the real and personal estate and rights, privileges and franchises, then owned, held or possessed or thereafter to be owned, held or possessed by it.

May issue bonds.

Section 5. This act shall take effect when approved.

Approved March 11, 1907.

Chapter 193.

An Act to extend the powers of the Canaan Power Company.

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

Section 1. The Canaan Power Company, a corporation organized under the laws of the state of Maine, in addition to the powers enumerated in its charter 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.

Additional powers granted.

Section 2. Said corporation is further authorized to construct and maintain a dam with the right of flowage in the Carrabassett 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 dam with right of flowage.

Section 3. Said corporation is hereby authorized to construct and maintain dams at the foot of Oak pond, Long pond, Sibley pond and Morrill pond for the purposes of storing water therein, and the damages for flowage caused by such dams may

May maintain dams at certain places.

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—damages for flowage, how recovered.

May maintain canals and side dams.

—may take land.

—make surveys, etc.

May make contracts for supplying water power and electricity.

May maintain lines, etc., over highways.

Liability to towns for damages.

—proviso.

Shall file plans of location of all lands taken.

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 4. 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 5. 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 6. 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 7. 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 8. 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.

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Section 9. 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 proceeds 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.

Liable for all damages.

—damages, how assessed.

—damages by flowage, remedy.

Section 10. Said company is hereby authorized to issue its capital stock to an amount provided in its charter and increase the same according to the provision of the general law, and may issue its bonds to an amount not exceeding its capital stock and secure the same by mortgage of its property and franchise.

Capital stock.

—may issue bonds.

Section 11. 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 rights, property and franchise of any other company authorized to do such business in such territory.

May sell its property to any company authorized to supply electricity in same territory.

Section 12. This act shall take effect when approved.

Approved March 12, 1907.

Chapter 194.

An Act relating to the building and maintenance of Weirs on the Presumpscot River.

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

Section 1. Chapter two hundred and ninety-three of the private and special laws, approved on the eighteenth day of February, eighteen hundred sixty-seven, is hereby repealed.

Chapter 293, private and special laws 1867, repealed.

Section 2. This act shall take effect when approved.

Approved March 12, 1907.