

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth  
Legislature

1909

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CHAP. 146**Chapter 146.**

An Act to extend the charter of the Eastport Street Railway Company.  
*Be it enacted by the People of the State of Maine, as follows:*

Charter ex-  
 tended.

The rights, powers and privileges of the Eastport Street Railway Company which were granted by chapter four hundred and sixty-five of the private and special laws of eighteen hundred and ninety-seven, and extended by chapter one hundred and seventeen of the private and special laws of eighteen hundred and ninety-nine, and further extended by chapter two hundred and sixty-eight of the private and special laws of nineteen hundred and one, and further extended by chapter two hundred and sixty-four of the private and special laws of nineteen hundred and three, and further extended by chapter one hundred and thirteen of the private and special laws of nineteen hundred and five and further extended by chapter two hundred and twenty-five of the private and special laws of nineteen hundred and seven, are hereby further extended for and during the period of two years from the seventeenth day of March, nineteen hundred and nine, and all the rights, powers and privileges that were granted and acquired by virtue of or under said acts may and shall be exercised in the same manner and for the same purposes as provided in said chapter four hundred and sixty-five.

Approved March 13, 1909.

**Chapter 147.**

An Act to incorporate the Androscoggin Reservoir Company and to authorize it to construct, acquire and maintain a reservoir or storage basin on the Magalloway River at or near the head of Aziscoos Falls in Lincoln Plantation in the county of Oxford for the purpose of maintaining a more constant flow of water in the Magalloway and Androscoggin rivers for use for powers and manufacturing purposes.

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

Corporators.

Section 1. William P. Frye, Hugh J. Chisholm, Herbert J. Brown, Waldo Pettingill, Francis W. Fabyan, A. N. Burbank, Orton B. Brown and Wallace H. White, their associates, successors and assigns are hereby made a body corporate under the name of Androscoggin Reservoir Company, with all the rights, powers and privileges hereinafter named.

—corporate  
 name.

Capital  
 stock.

Section 2. The capital stock of this corporation shall be fixed by said corporation, and shall not be less than three hundred thousand dollars and may be increased from time to time

to not exceeding one million dollars by a vote representing a majority of the capital stock outstanding.

Section 3. This corporation is hereby authorized to build a dam and other necessary works and structures on Magalloway river at or near the head of Aziscoos Falls, so called, in Lincoln plantation in the county of Oxford in the state of Maine, for the purpose of creating storage basins and reservoirs to retain and control the waters of said Magalloway river, thereby increasing and making more constant the flow of water in said Magalloway river and the Androscoggin river, which shall be available at all seasons of the year for use for manufacturing and power purposes; provided that nothing herein contained shall authorize this corporation to divert the waters so stored from their natural channel, nor to decrease the flow in said Magalloway river below the natural low-water flow; and, in order to facilitate the driving of logs and lumber down said Magalloway river, this corporation is hereby authorized to build side dams, sheer booms, remove rocks, make embankments and other improvements on said Magalloway river from the head of said Aziscoos Falls to the boundary line between Maine and New Hampshire.

May build dam and works on Magalloway river.

—shall not divert nor decrease flow of water.

—may build side dams, sheer booms, and make improvements.

Section 4. This corporation is hereby authorized by means of any dams or other works which may be erected or acquired by it under any of the provisions of this act, to hold, store, and retain the waters of said Magalloway river in any reservoir and storage basin created by its said dam and other works, and to discharge and release said stored waters and regulate and control the volume and flow of the same for the uses and purposes provided in this act, subject, however, to the provisions of the preceding section.

May hold and store the waters of Magalloway river.

Section 5. When this charter shall have been accepted and this corporation shall have been organized and subscriptions to the capital stock thereof to an amount at least of one hundred thousand dollars shall have been made, this corporation may then exercise the right of eminent domain and may take and hold as for public uses such lands, properties and rights, including any state or public lots, as it may require for any of the uses and purposes aforesaid as provided in this act, and may also take such material as may be needed for erecting and maintaining any of its dams and structures; and in case this corporation cannot agree with the owner or owners as to the price to be paid therefor, the same shall be determined by the county commissioners of Oxford county, upon application of any party interested, in the same manner as

When corporation may exercise right of eminent domain.

—may take and hold lands, etc.

—may take material.

—price to be paid, how determined, if parties cannot agree.

## CHAP. 147

—may flow  
lands, etc.

—liable for  
damages.

When and  
where cor-  
poration  
shall file  
written  
statement.

State and  
public lots  
authorized  
to be con-  
veyed to  
corporation.

—land  
agent to  
act for  
state in  
fixing dam-  
ages.

Corporation  
authorized  
to acquire  
property of  
Magallo-  
way Dam  
and Im-  
provement  
Company.

damages are assessed for the location of highways as provided in chapter eighteen of the revised statutes and acts amendatory thereof and additional thereto, so far as the same shall be applicable, and with the same rights of appeal from the decision of the county commissioners as are provided in said chapter so far as the same shall be applicable. The corporation is also hereby empowered to flow and cover with water such lands, including any state or public lots, as may be required to enable it to carry out the purposes of this act by means of any of its dams, and shall be liable for all damages caused by said flowing or covering with water, to be ascertained in the same manner as prescribed in chapter ninety-four of the revised statutes.

Section 6. When this corporation shall take and hold any land, dams, or other property under the authority of this act, it shall file in the registry of deeds for the county in which the property taken is located a written statement of its determination to exercise said power of eminent domain, describing therein the property so taken and thereupon said property shall be and become the property of said Androscoggin Reservoir Company.

Section 7. The state land agent, under the direction of the governor and council, is hereby authorized to convey to this corporation such state and public lots or any part or portion of the same or interest therein as shall be taken by this corporation for any of the purposes of this act and agree with this corporation upon the damages for the taking or flowing of any such lots, and in case the parties are not able to agree upon such damages, to represent and act for the state in any proceedings to fix the damages as herein provided.

Section 8. This corporation is hereby authorized and empowered to acquire by purchase of the Magalloway Dam and Improvement Company, and said Magalloway Dam and Improvement Company is hereby authorized to sell, assign, transfer and convey its lands, dams and other properties situated on the Magalloway river at Aziscoos Falls in township number five in the second range in Oxford county, together with all rights, privileges, easements and franchises connected therewith or appertaining thereto, subject, however, to all provisions of the charter of said Magalloway Dam and Improvement Company applicable thereto. In case this corporation erects a dam at said Aziscoos Falls as hereinbefore authorized, and said dam of said Magalloway Dam and Improvement Company is abandoned for that reason, all of the rights, privileges,

easements and franchises attaching to the dam so abandoned shall be transferred to and inure to the benefit of the dam of this corporation substituted therefor.

Section 9. This corporation is authorized and empowered to purchase, hold and sell its own stock in accordance with the provisions relating thereto which shall be provided for in the by-laws of this corporation; but this corporation shall not purchase or hold said stock except for the purpose of re-sale, or for a longer period than one year, and said by-laws shall provide for the re-sale of said stock so that the amount of the capital stock of the corporation shall not be reduced.

May purchase, hold and sell its own stock.

Section 10. This corporation may from time to time borrow money for any lawful purpose by the issue of bonds or debentures, on such terms as the stockholders may determine, and may pledge, or mortgage all the property, franchises and income of the corporation, or any part thereof for the payment of the sums so borrowed and interest thereon.

May issue bonds.

Section 11. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by this corporation or its successors or assigns at any time after this act shall take effect, shall be subject to be taken over and become the property of the state, whenever said state shall determine by proper legislation to acquire, maintain and operate a system of water storage at the head waters of the Androscoggin river. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to and vested in said state, and said state shall make just compensation to the owner or owners thereof for the property, rights and franchises so taken, except the franchise conferred by this act upon the Androscoggin Reservoir Company, which said franchise shall be wholly excluded in the determination of the amount to be paid to said corporation by the state. The fair value of the property, rights and privileges so taken by the state, subject to the exemption hereinbefore mentioned, shall be determined by agreement between said corporation and such officers and agents of the state as shall be thereunto authorized to act in its behalf by the act which authorizes the taking of said property, rights and privileges; and failing of such agreement within six months after said act takes effect, the supreme judicial court in either county where any of the property, rights and privileges so taken are situated, may upon petition of either party appoint three disinterested persons as appraisers to fix and determine the amount of money to be paid for the fair value of the property, rights

Property, rights, etc., subject to be taken over by the state.

—state shall pay just compensation.

—how value shall be determined.

—failing of agreement, how determined.

## CHAP. 148

Authority  
of legisla-  
ture re-  
quired.

and privileges so taken, subject to the exception aforesaid. The method of procedure and the duties and powers of the appraisers to be determined by the act authorizing such taking.

No power generated at the dam erected by this corporation under the provisions of this act shall be transmitted by electric current for sale or use beyond the limits of this state without express authority of the legislature.

Approved March 13, 1909.

### Chapter 148.

An Act to extend the charter of the Waterville and Winslow Bridge Company.

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

Charter ex-  
tended.

The time within which the Waterville and Winslow Bridge Company, incorporated under chapter two hundred and sixty-five of the private and special laws for nineteen hundred and three, is required to commence actual business, is hereby extended two years from the time this act takes effect.

Approved March 13, 1909.

### Chapter 149.

An Act to provide for the preservation of the records and history of the Grand Army of the Republic, Department of Maine.

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

Records and  
nistory of  
Grand  
Army of  
the Re-  
public, Dept.  
of Maine,  
shall have  
place set  
apart in  
state  
house.

—Adjutant  
General  
shall have  
charge.

Section 1. That there shall be set apart a suitable place or places in the state house whenever an enlargement may permit of the same being done, which place or places shall be under the charge of the adjutant general of the state and his successors in office, subject to such orders of the governor and commander-in-chief as may be made from time to time under the militia law of Maine; and said place or places shall be used by the adjutant general of the state for the purpose of storing the supplies and property of the department, relics and mementos of the war, arranging and preserving the history of individuals who served in the army, navy or marine corps of the United States during the war of the rebellion, who belonged to organizations of this state, or citizens of this state who served in the regular army, navy, or marine corps of the United States, which said Grand Army of the Republic may collect and desire to preserve as a part of the history of this