

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
OF THE  
SEVENTY-FIFTH LEGISLATURE

OF THE  
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth  
Legislature

*1911*

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**Chapter 59.**

**CHAP. 59**

An Act to incorporate the Maine Power Company.

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

Section 1. Arthur B. Leach, Linwood C. Tyler, their associates, successors and assigns, are hereby incorporated under the name of Maine Power Company for the purpose of purchasing the property, rights and franchises of the Bodwell Water Power Company, of Old Town, Maine, and of exercising the corporate privileges of that corporation, and conducting any business allowed under its franchises that may be deemed desirable.

Corporators.

—corporate name, and purposes.

Section 2. Said corporation shall be located at Bangor, in the county of Penobscot and state of Maine.

Location.

Section 3. The capital of said corporation, not exceeding one million five hundred thousand dollars, may be fixed by it, and may consist of both common and preferred stock, having such qualities as to retirement and otherwise as may be found expedient.

Capital stock.

Section 4. Said corporation is hereby authorized and empowered to issue its bonds in such form and in such denominations and payable at such time or times and bearing such rate of interest as its board of directors may deem necessary and convenient, amounting in the aggregate to not more than one million five hundred thousand dollars, and to secure the same by a mortgage of all its property, rights, privileges and franchises then or thereafter acquired, in order to provide means to carry out the purposes of the corporation.

May issue bonds and mortgage property.

Approved February 28, 1911.

**Chapter 60.**

An Act to incorporate the Sawtelle Brook Dam and Improvement Company.

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

Section 1. B. W. Howe, Nathaniel Lord, George W. Banton, and Henry Prentiss, their associates, successors and assigns, are hereby incorporated under the name of the Sawtelle Brook Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said company is hereby authorized to erect and maintain a dam at or near the foot of Scraggly lake in township seven, range eight, also a dam at or near the foot of the meadows on Sawtelle brook in township six, range seven and

Company authorized to erect and maintain dams.

## CHAP. 60

also a dam or sluice at Sawtelle brook falls, so-called in township six, range seven and any other dams that may be necessary on said brook or on the branches thereof, said waters being in the county of Penobscot, and may also erect and maintain all necessary side dams, piers and booms therein, and otherwise improve the same by removing rocks and trees, excavating ledges therefrom, and widening, deepening and otherwise improving the same for the purpose of raising a head of water, and of making said brook and its branches floatable, and of facilitating the driving of logs and lumber upon the same.

—side dams, piers and booms.

—make improvements to facilitate driving logs and lumber.

May take necessary lands, etc.

—may flow lands.

—damages, determined if parties fail to agree.

Section 3. Said company for the above purposes may take all necessary lands and materials for the building of said dams and making such improvements, and may flow contiguous lands so far as necessary, and if interested parties cannot agree upon the amount of damages to be paid by said corporation for the land and material so taken, said damages shall be ascertained by the county commissioners of the county of Penobscot, in the same manner and under the same conditions and limitations as provided by law in the case of damages occasioned by the laying out of highways, and the amount of damages so determined shall be paid by said company, and the damages arising from the flowing of lands may be recovered in accordance with the provisions of the statutes for recovering damages for flowing land occasioned by raising a head of water for the working of mills.

Tolls for passage of logs and lumber.

—rate of tolls fixed.

Section 4. Said company may demand and receive tolls for the passage of all logs and lumber over their dams and improvements as follows: for all logs or lumber, pulpwood or railroad ties passing over the dam at the foot of Scraggly lake and driven to the mouth of Sawtelle brook, a toll of fifty cents per thousand feet, board measure, woods scale on all logs; twenty-five cents per cord on all four-foot pulpwood, and a toll of fifty cents per thousand on all railroad ties reckoned at eighty ties to a thousand if the same have not been scaled. For all logs or lumber passing over the Sawtelle brook falls a toll of twenty-five cents per thousand feet board measure, woods scale on all logs; thirteen cents per cord on all four-foot pulpwood, and a toll of twenty-five cents per thousand on all railroad ties reckoned at eighty ties to a thousand if the same have not been scaled. The said company shall have a lien upon the logs and other lumber which may pass over and through any of its dams or improvements until the full amount of said toll is paid, to be enforced by attachment, but the logs of each mark shall be holden only for the unpaid tolls of such mark and the

—lien on logs and lumber.

CHAP. 60

wood and ties shall only be holden to pay the toll of such wood or ties.

Section 5. Said company may issue its capital stock to an amount not exceeding ten thousand dollars.

Capital stock.

Section 6. When said corporation shall have received from tolls its outlay on all dams and improvements and for repairs made up to that time, with six per cent interest thereon, then the tolls herein provided shall be reduced to a sum sufficient to keep said dams and other improvements in repair. Some suitable person shall be appointed by said corporation as auditor to audit the accounts and determine the cost of said dams, improvements and repairs.

Re-adjustment of tolls.

Section 7. The first meeting of said corporation shall be called by a notice signed by one of the incorporators named in section one, and mailed to each of the other incorporators at least seven days before the day of such meeting. Any incorporator may act at such meeting through power of attorney.

First meeting, how called.

Section 8. Said corporation is authorized to impound and restrain the natural flow of said waters only when and in so far as necessary for log-driving purposes, and as limited by this act. No dam authorized by this act shall be used for power purposes.

Natural flow of water may be restrained for log driving purposes.

Section 9. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by, and become the property of the state of Maine, whenever said state shall determine by appropriate legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting, however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

Property and franchises subject to be taken over by the state.

—state shall pay fair value for property taken.

The fair value of the property, rights and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes

—value of property, how determined.

CHAP. 61

effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded as shall be provided in said act.

Approved February 28, 1911.

### Chapter 61.

An Act relating to the Southwest Harbor Water Company.

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

Company authorized to increase its capital stock.

Section 1. The Southwest Harbor Water Company, a corporation existing under the laws of Maine, in addition to the powers now possessed, it is hereby authorized and empowered as follows: by a vote of the stockholders of said company it may increase its capital stock fifty thousand dollars, so that the whole capital stock of said company shall be one hundred thousand dollars, and said stock shall be divided into shares of one hundred dollars each.

—may hold property, not exceeding \$100,000 in value.

Said Southwest Harbor Water Company, for the purposes of its incorporation, may hold real estate and personal property necessary and convenient therefor, not exceeding one hundred thousand dollars.

Additional powers granted to company.

Section 2. The Southwest Harbor Water Company shall have and possess in the town of Southwest Harbor all the powers and privileges as is given said company in its charter for the town of Tremont, and, in addition, to supply water for shipping and the development of power of said town of Southwest Harbor, and said company is authorized to make contracts for a term of years with the town of Southwest Harbor for the purpose of supplying water as contemplated in its act of incorporation, and said town of Southwest Harbor, its municipal officers, is hereby authorized to enter into a contract with said company for any period not exceeding twenty years for a supply of water for public use, the extinguishing of fires and other municipal purposes, on such terms as the parties may agree, including exemption from public burdens, which when made shall be legal and binding on all parties thereto, and said contracts shall be authorized or ratified by vote of said town at any annual or special meeting called by a warrant containing an article for that purpose.

—may make contracts for supplying water.

May issue bonds for extension of works and plant, and mortgage

Section 3. The said water company is hereby authorized and empowered to issue bonds for the further construction, improvement and extension of its works and plant. Said bonds to run such time and bear such rate of interest as it