

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Seventy-first Legislature.

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HOUSE.

No. 414

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT relating to prize logs on the Penobscot river and its  
tributaries.

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

Section 1. When logs or other lumber belonging to differ-  
ent owners become intermingled in driving upon any of the  
waters of the Penobscot river or any of the waters tributary  
to the Penobscot river above Penobscot boom, and any person  
or corporation desires to separate and detain his or its logs  
or other lumber at any sorting place or sorting boom or any  
place of sale or manufacture above said Penobscot boom, and  
in so separating and detaining his or its logs or other lumber,  
logs or other lumber without marks or means by which their  
ownership can be ascertained are also detained and held, said

11 person or corporation shall keep an accurate account open to  
12 the inspection of all interested parties, of the number, kind,  
13 quality and quantity of such logs or other lumber, without  
14 marks or means by which their ownership can be ascertained,  
15 and when and where detained and held, and shall within a  
16 reasonable time thereafter pay to the Penobscot Lumbering  
17 Association at its office in Bangor, Maine, for all such logs  
18 or other lumber, without marks or means by which their  
19 ownership can be ascertained, so detained and held, such a  
20 price as a like kind and quality of logs or other lumber are  
21 worth, at the time when and place where they shall be so  
22 separated and held to be disposed of by said Penobscot Lum-  
23 bering Association, as hereinafter provided. Such payment  
24 to be accompanied by a copy of said account.

Sect. 2. All logs or other lumber, without marks or means  
2 by which their ownership can be ascertained, which shall  
3 come into said Penobscot boom, shall as soon as practicable  
4 and within a reasonable time after the same shall have been  
5 rafted, be sold, or manufactured and sold, from time to time  
6 by said Penobscot Lumbering Association, and what remains  
7 of the proceeds of the same, after deducting boomage and  
8 all other reasonable expenses and charges, that is to say, the  
9 net proceeds of such sale or sales together with all moneys  
10 received under the provisions of section one of this act, shall  
11 constitute a fund, which shall yearly be divided ratably as  
12 nearly as practicable among all the known owners of logs or  
13 other lumber, that formed the drive or drives out of which  
14 said logs or other lumber without marks or means by which  
15 their ownership could be ascertained, came, to be ascertained  
16 by such owners submitting to said Penobscot Lumbering  
17 Association at Bangor, Maine, on or before December 1, each  
18 year, by written statement, satisfactory evidence of the total  
19 quantity and value that they had in such drive or drives. In  
20 making such distribution said Penobscot boom scale or what

21 is equivalent thereto shall be adopted as a basis of computa-  
22 tion.

Sect. 3. Said association shall have the privilege, if it deems  
2 the same desirable, to have its agents or servants at each and  
3 every place on any of said waters where any such logs or other  
4 lumber, without marks or means by which their ownership  
5 can be ascertained, are separated and held as aforesaid, whose  
6 duties shall be, if said association shall desire it, to take and  
7 keep accurate measurements of the length, and diameter at  
8 the top end of all such logs or other lumber, without marks  
9 or means by which their ownership can be ascertained, which  
10 are so separated and held, and whose duties shall also be to  
11 see that the accounts provided for in section 1 of this act are  
12 accurately kept and preserved; such agents or servants to be  
13 paid by said Penobscot Lumbering Association and the  
14 expense thereof deducted from the proceeds of such sales or  
15 receipts of money as above provided.

Sect. 4. Said Penobscot Lumbering Association shall keep  
2 an accurate account of the number, kind, quality and amount  
3 of such logs or other lumber, without marks or means by  
4 which their ownership can be ascertained, which are rafted  
5 in their boom, and how the same shall have been disposed of,  
6 and the proceeds thereof, and also of the moneys received  
7 from all persons and corporations for such logs or other lum-  
8 ber so separated and held, which accounts shall be open to  
9 the inspection of all interested parties. And said Penobscot  
10 Lumbering Association shall be holden only to the exercise  
11 of reasonable judgment, care, diligence and management in  
12 relation to the powers and duties imposed upon it by this act.

Sect. 5. If any person or corporation shall not pay to said  
2 Penobscot Lumbering Association any money, which he or it  
3 is holden to pay in accordance with the provisions of this act,  
4 said Penobscot Lumbering Association may maintain an  
5 action of assumpsit against said person or corporation to

6 recover the same, and the net amount of money so recovered  
7 in such action shall constitute a part of said fund to be dis-  
8 tributed as above.

Sect. 6. All the provisions of said charter of the Penobscot  
2 Lumbering Association and amendments thereto relating to  
3 unmarked logs, sometimes called "prize logs," or to logs the  
4 ownership of which cannot be ascertained, inconsistent with  
5 this act, are hereby repealed.

And all the provisions of the charter or amendments thereto  
7 of any other corporation and all the provisions of any other  
8 Private and Special Law, or any other law, relating to  
9 unmarked logs, sometimes called "prizes," or logs or other  
10 lumber, the ownership of which cannot be ascertained, upon  
11 the waters of said Penobscot river or any of its tributaries  
12 above said Penobscot boom inconsistent with this act, are  
13 hereby repealed.

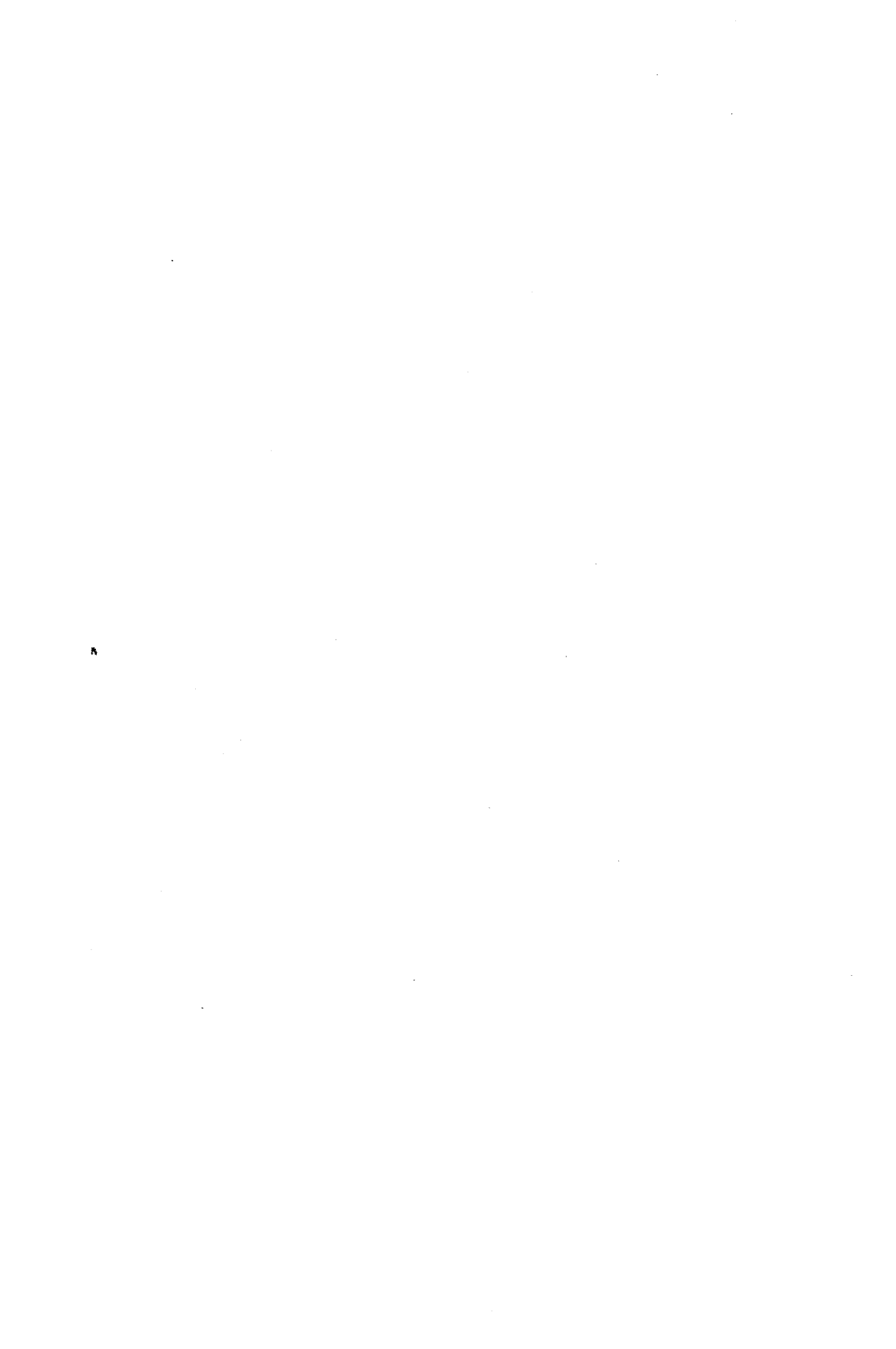
Sect. 7. Whoever, except as provided in this act, takes,  
2 carries away or otherwise converts to his own use any such  
3 logs or other lumber without marks or means by which their  
4 ownership can be ascertained, after they shall have become  
5 intermingled with the logs or other lumber of other owners  
6 for the purposes of driving as aforesaid, suitable to be manu-  
7 factured into lumber or pulp, lying in said Penobscot river,  
8 or in any of the waters tributary to said Penobscot river, above  
9 said Penobscot boom, or on or near the bank or shore thereof,  
10 or puts any mark upon the same with intent to claim the  
11 same for himself or another, forfeits for every such log or  
12 stick twenty dollars, to be recovered on complaint of any  
13 person or by indictment.

Sect. 8. The provisions of sections seven and eight of chap-  
2 ter forty-two of the Revised Statutes of 1883, relating to logs  
3 and other lumber, carried by freshet on to lands, are not  
4 affected by this act.

Sect. 9. This act shall take effect when approved.









STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 18, 1903.

Reported by Mr. ROSS of Bangor from Committee on Interior Waters,  
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*