

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 325

STATE OF MAINE.

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

AN ACT to incorporate the Parlin Stream Dam and Improve-
ment Company.

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

Section 1. Elizabeth S. Haynes, George L. Smith, Ira H.
2 Randall, Fred E. Bradstreet, William J. Lanigan, Samuel
3 W. Philbrick, and Hiram Moore, their associates, succes-
4 sors and assigns, are hereby incorporated under the name
5 of Parlin Stream Dam and Improvement Company, with all
6 the powers and privileges of similar corporations.

Sect. 2. Said company is hereby authorized to erect and
2 maintain dams on the Parlin stream and Bean brook in
3 Parlin Pond Plantation, in the county of Somerset, but the

4 dam at or nearest to the outlet of Parlin pond shall be located
5 at the same place where the dam last formerly used for
6 driving purposes was located, and in no place shall be higher
7 than the dam last formerly used at such place for log driv-
8 ing purposes and the head of water so to be maintained and
9 used shall be no higher than during such former use there-
10 of; and to erect and maintain necessary side-dams, piers
11 and booms therein, and otherwise improve said Parlin stream
12 and Bean brook within the limits of said Parlin Pond Plan-
13 tation, by removing rocks and trees, excavating ledges there-
14 from, and widening, deepening and otherwise improving
15 the same for the purpose of raising a head of water, and
16 of making said brooks and their tributaries floatable, and
17 of facilitating the driving of logs and lumber upon the
18 same. During any season when logs and lumber are to
19 be driven by the use of the dam built for raising a head
20 of water on Parlin pond, the gates may be closed not earlier
21 than the first day of March in said year, and may be so
22 closed and used as the exigencies of driving may require for
23 a period to expire not later than thirty days after the ice
24 shall leave said Parlin pond, but to be hoisted and left hoist-
25 ed, however, as soon as the use of said dam for log-driving
26 purposes is no longer necessary during such log-driving
27 season, and thereafterwards be kept hoisted until closed on
28 the first day of March as aforesaid for the purpose of the
29 next log-driving season. Said period of thirty days may
30 be extended whenever the use of said dam shall be neces-

31 sary to drive logs out of Parlin Pond stream or out of said
32 Parlin pond, upon paying any special damages occasioned
33 by such flowage.

Sect. 3. Said company for the above purposes may take
2 all necessary lands and materials for building said dam and
3 making said improvements and may flow contiguous lands
4 so far as necessary, and if interested parties cannot agree
5 upon the amount of damages to be paid by said corporation
6 for the land and material so taken, said damages shall be
7 ascertained by the county commissioners of the county of
8 Somerset in the same manner and under the same conditions
9 and limitations as provided by law in the case of damages
10 occasioned by the laying out of highways, and the amount
11 of damages so determined shall be paid by said company,
12 and the damages arising from the flowing of land may be
13 recovered in accordance with the provisions in the statutes
14 for recovering damages for flowing land occasioned by rais-
15 ing a head of water for the working of mills.

Sect. 4. Before building any dam or dams likely to over-
2 flow any public highway, the said corporation shall, at its
3 own expense, cause plans and specifications to be made show-
4 ing the changes to be made in such way for the protection
5 thereof from such flowage and submit the same to the
6 county commissioners for Somerset county for their ap-
7 proval. If after notice and hearing said commissioners re-
8 fuse their approval, said corporation may appeal to the
9 supreme judicial court at the next term thereof held in said

10 county, which court may make final decree thereon, and no
11 dam or dams shall be built or changes made in any public
12 highway till the plans and specifications are approved, either
13 by said commissioners or the justice presiding at said su-
14 preme judicial court, and the gates of said dam or dams
15 shall not be closed till all changes are made in said high-
16 way, in accordance with said approved plans and specifi-
17 cations, and the endorsement of said commissioners or said
18 justice thereon shall be necessary to show that said changes
19 have been made in accordance therewith, and this endorse-
20 ment shall be a pre-requisite to the use of said dam or dams
21 for any purpose whatsoever. Thereupon all changes after
22 any such appeal shall be made by and at the sole expense
23 of said corporation. All repairs thereafter required on said
24 highway made necessary by the use of any such dams shall
25 be at the expense of such corporation, and in case of dis-
26 agreement thereon any single justice of the supreme judicial
27 court, sitting in equity in term time or vacation, may en-
28 force this liability by appropriate process or petition of the
29 said county commissioners.

Sect. 5. Said company may demand and receive tolls for
2 the passage of all logs and lumber over their dams and
3 improvements, as follows: For all logs and lumber landed
4 in Bean brook, or in Parlin pond above the dam, or in
5 Parlin stream above Lang brook, fifty cents per thousand
6 feet. For all logs and lumber landed in said Parlin stream
7 below Lang brook, thirty cents per thousand feet. The

8 above tolls to be reckoned by the surveyor's scale adopted
9 by the Kennebec Log Driving Company. The said com-
10 pany shall have a lien upon the logs and other lumber which
11 may pass over and through any of its dams or improve-
12 ments until the full amount of said toll is paid, to be en-
13 forced by attachment, but the logs of each mark shall only
14 be holden for the unpaid tolls of such mark.

Sect. 6. The capital stock of this corporation shall be
2 ten thousand dollars.

Sect. 7. When said corporation shall have received in
2 tolls its outlay on all dams and improvements, and for re-
3 pairs made up to that time, with six per cent interest there-
4 on, then the tolls herein provided shall be reduced to a
5 sum sufficient to keep said dams and other improvements
6 in repair. Some suitable person shall be appointed by said
7 corporation as auditor to audit the accounts and determine
8 the cost of said dam, improvements and repairs.

Sect. 8. The first meeting of said corporation shall be
2 called by a notice signed by one of the incorporators named
3 in Section 1, mailed to each of the other incorporators at
4 least seven days before the day of such meeting.

Sect. 9. Said corporation is authorized to impound and
2 restrain the natural flow of said waters only when and in
3 so far as necessary for log-driving purposes, and as limited
4 by this act. No dam authorized by this act shall be used
5 for power purposes.

Sect. 10. All the property, rights and franchises within
2 the State of Maine acquired, erected, owned, held or con-
3 trolled by the said corporation, or its successors or assigns,
4 at any time after this act shall take effect, under and by
5 virtue of the terms thereof, shall be subject to be taken
6 over by, and become the property of the State of Maine,
7 whenever said State shall determine by appropriate legis-
8 lation that the public interests require the same to be done.
9 Upon the taking effect of such legislation, the ownership
10 of said property, rights and franchises shall immediately
11 be transferred to, and vest in, said State of Maine, and said
12 State shall pay to said corporation the fair value of all the
13 same, excepting, however, such franchises and rights as are
14 conferred upon said corporation under and by virtue of the
15 provisions of this act, which said franchises and rights shall
16 be wholly excluded in the determination of the amount to
17 be paid to said corporation by said State of Maine.

The fair value of the property, rights and franchises so
19 taken by the State of Maine, subject to the exceptions here-
20 inbefore mentioned, shall be determined by agreement be-
21 tween said corporation and such officers and agents of said
22 State as shall be thereunto authorized to act in its behalf
23 by the act which authorizes the taking of said property,
24 rights and franchises; and such agreement failing within
25 six months after said act takes effect, then by such fair and
26 impartial tribunal and under such provisions as to the man-
27 ner of procedure and for full hearing of parties and payment
28 of damages awarded, as shall be provided in said act.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, Feb. 25, 1909.

Reported by Mr. CONNORS from Committee on Interior
Waters and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*