

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 143

House of Representatives, Feb. 9, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to authorize the improvement of Fall Brook in the
towns of Bingham and Brighton.

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

Section 1. The Solon Lumber Company, a corporation
2 duly established by law at Solon in the county of Somerset,
3 and its assigns are hereby authorized to build dams, side
4 dams, piers, and booms, and to maintain same, on Fall
5 Brook and its tributaries in the towns of Bingham and
6 Brighton in the county of Somerset, to remove rocks and
7 trees and to excavate ledges therefrom; and to widen,
8 deepen and otherwise improve the same for the purpose of
9 raising a had of water and of making said brook and its

10 tributaries floatable to facilitate the driving of logs, pulp
11 wood and other lumber on the same.

Sect. 2. Said corporation and its assigns for the above
2 purposes may take all necessary land and materials for
3 building said dams and piers and making such improve-
4 ments; may flow contiguous lands so far as necessary to
5 raise suitable heads of water; may attach their booms and
6 piers to land adjacent to said brook; and may with their
7 agents, servants and teams, pass and repass over and along
8 said brook and adjacent land, and to and from the same over
9 the land of other persons for the purposes aforesaid and
10 for managing said dams, piers and booms.

Sect. 3. If the parties cannot agree on the damages, said
2 corporation and its assigns shall pay the proprietors for the
3 land and materials so taken and the damage so done; the
4 amount to be ascertained and determined by the county
5 commissioners of the county of Somerset in the same man-
6 ner and under the same conditions and limitations as pro-
7 vided by law in the case of damages by laying out of high-
8 ways; and for the damage done by flowing land, said cor-
9 poration and its assigns shall not be liable to an action at
10 common law, but the person injured may have remedy by
11 complaint for flowage, when the same proceedings shall be
12 had as when a complaint is made under the statutes of this
13 state for flowing lands by raising a head of water for the
14 working of mills.

Sect. 4. Said corporation and its assigns may demand and
2 receive a toll for the passage of logs, pulp wood and other
3 lumber over their improvements of fifteen cents per thou-
4 sand feet for logs and lumber and eight cents per cord for
5 pulp wood; and shall have a lien thereon for the payment
6 of said toll with all costs and charges, but the logs, wood
7 and lumber of each owner shall only be holden for the
8 amount due from him. Unless said toll is paid within twenty
9 days after said logs, pulp wood or other lumber, or the
10 major part thereof, passes the south line of the town of
11 Bingham, said lien may be enforced by attachment and suit
12 to be begun within ninety days after the same shall have
13 passed the south line of said Bingham.

Sect. 5. This act does not authorize said corporation or its
2 assigns to interfere with the riparian rights of the existing
3 dams and mills on said brook in the town of Solon.

Sect. 6. Said corporation is authorized to impound and
2 restrain the natural flow of said waters only when and in so
3 far as necessary for log-driving purposes, and as limited by
4 this act. No dam authorized by this act shall be used for
5 power purposes.

Sect. 7. All the property, rights and franchises within the
2 state of Maine acquired, erected, owned, held or controlled
3 by the said corporation, or its successors or assigns, at any
4 time after this act shall take effect, under and by virtue of
5 the terms thereof, shall be subject to be taken over by, and
6 become the property of the state of Maine, whenever said

7 state shall determine by appropriate legislation that the pub-
8 lic interest require the same to be done. Upon the taking
9 effect of such legislation, the ownership of said property,
10 rights and franchises, shall immediately be transferred to,
11 and vest in, said state of Maine, and said state shall pay to
12 said corporation the fair value of all the same, excepting,
13 however, such franchises and rights as are conferred upon
14 said corporation under and by virtue of the provisions of
15 this act, which said franchises and rights shall be wholly ex-
16 cluded in the determination of the amount to be paid to said
17 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 herein-
20 before mentioned, shall be determined by agreement between
21 said corporation and such officers and agents of said state as
22 shall be thereunto authorized to act in its behalf by the act
23 which authorizes the taking of said property, rights and
24 franchises; and such agreement failing within six months
25 after said act takes effect, then by such fair and impartial
26 tribunal and under such provisions as to the manner of pro-
27 cedure and for full hearing of parties and payment of dam-
28 ages awarded as shall be provided in said act.