

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 157

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*House of Representatives, Feb. 10, 1911.*

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

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT to extend the charter of the Parlin Stream Dam and  
Improvement Company.

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

Section 1. The charter of the Parlin Stream Dam and  
2 Improvement Company, granted by Chapter one hundred  
3 and forty-one of the Private and Special Laws of Maine  
4 for the year one thousand nine hundred and nine, is here-  
5 by extended for two years from the date when this act  
6 takes effect.

Sect. 2. Said Chapter one hundred and forty-one of the  
2 Private and Special Laws of Maine for the year one thou-

3 sand nine hundred and nine, is hereby amended so that as  
4 amended it shall read as follows:

‘Section 1. Elizabeth S. Haynes, Forrest H. Colby, Ira  
6 H. Randall, Fred T. Bradstreet, William J. Lanigan, Sam-  
7 uel W. Philbrick and Charles H. Clark, their associates,  
8 successors and assigns, are hereby incorporated under the  
9 name of the Parlin Stream Dam and Improvement Com-  
10 pany, with all the powers and privileges of similar corpor-  
11 ations.

‘Sect. 2. Said company is hereby authorized to erect and  
13 maintain dams on the Parlin stream in Parlin Pond town,  
14 Misery Gore, so called, and Long Pond town, and Bean  
15 brook and Lang stream in Parlin pond town, in the county  
16 of Somerset, but the dam at or nearest to the outlet of  
17 Parlin pond shall be located at the same place where the  
18 dam last formerly used for driving purposes was located,  
19 and in no place shall be higher than the dam last formerly  
20 used at such place for log driving purposes and the head  
21 of water so to be maintained and used shall be no higher  
22 than during such former use thereof; and to erect and  
23 maintain necessary side-dams, piers and booms therein, and  
24 otherwise improve said Parlin stream and Bean brook with-  
25 in the limits of said Parlin Pond town, Misery Gore, so-  
26 called, and Long Pond Town, by removing rocks and trees,  
27 excavating ledges therefrom, and widening, deepening and  
28 otherwise improving the same for the purpose of raising  
29 a head of water, and of making said brooks and their trib-

30 utaries flodable, and of facilitating the driving of logs and  
31 lumber upon the same. During any season when logs and  
32 lumber are to be driven by the use of the dam built for  
33 raising a head of water on Parlin pond, the gates may be  
34 closed not earlier than the first day of March in said year,  
35 and may be so closed and used as the exigencies of driv-  
36 ing may require for a period to expire not later than thirty  
37 days after the ice shall leave said Parlin pond, but to be  
38 hoisted and left hoisted, however, as soon as the use of  
39 said dam for log-driving purposes is no longer necessary  
40 during such log-driving season, and thereafterwards be  
41 kept hoisted until closed on the first day of March as afore-  
42 said for the purpose of the next log-driving season. Said  
43 period of thirty days may be extended whenever the use  
44 of said dam shall be necessary to drive logs out of Parlin  
45 pond stream or out of said Parlin pond, upon paying any  
46 especial damages occasioned by such flowage.

‘Sect. 3. Said company for the above purposes may take  
48 all necessary lands and materials for building said dams  
49 and making said improvements and may flow contiguous  
50 lands so far as necessary, and if interested parties cannot  
51 agree upon the amount of damages to be paid by said cor-  
52 poration for the land and material so taken, said damages  
53 shall be ascertained by the county commissioners of the  
54 county of Somerset in the same manner and under the same  
55 conditions and limitations as provided by law in the case of  
56 damages occasioned by the laying out of highways, and the  
57 amount of damages so determined shall be paid by said

58 company, and the damages arising from the flowage of land  
59 may be recovered in accordance with the provisions in the  
60 statutes for recovering damages for flowing land occasioned  
61 by raising a head of water for the working of mills.

'Sect. 4. Before building any dam or dams likely to over-  
63 flow any public highway, the said corporation shall, at its  
64 own expense, cause plans and specifications to be made  
65 showing the changes to be made in such way for the pro-  
66 tection thereof from such flowage and submit the same to  
67 the county commissioners of Somerset county for their  
68 approval. If after notice and hearing said commissioners  
69 refuse their approval, said corporation may appeal to the  
70 supreme judicial court at the next term thereof held in  
71 said county, which court may make final decree thereon,  
72 and no dam or dams shall be built or changes made in any  
73 public highway till the plans and specifications are approved,  
74 either by said commissioners or the justice presiding at  
75 said supreme judicial court, and the gates of said dam or  
76 dams shall not be closed till all changes are made in said  
77 highway, in accordance with said approved plans and spec-  
78 ifications, and the endorsement of said commissioners or  
79 said justice thereon shall be necessary to show that said  
80 changes have been made in accordance therewith, and this  
81 endorsement shall be a prerequisite to the use of said dam  
82 or dams for any purpose whatsoever. Thereupon all changes  
83 after any such appeal shall be made by and at the sole ex-  
84 pense of said corporation. All repairs thereafter required  
85 on said highway made necessary by the use of any such

86 dams shall be at the expense of such corporation, and in  
87 case of disagreement thereon any single justice of the su-  
88 preme judicial court, sitting in equity in term time or vaca-  
89 tion, may enforce this liability by appropriate process on  
90 petition of the said county commissioners.

'Sect. 5. Said company may demand and receive tolls  
92 for the passage of all logs and lumber over their dams  
93 and improvements, as follows: For all logs and lumber  
94 landed in Bean brook, or in Parlin pond above the dam, or  
95 in Parlin stream above Lang brook, fifty cents per thousand  
96 feet. For all logs and lumber landed in said Parlin stream  
97 below Lang brook, thirty cents per thousand feet. The  
98 above tolls to be rockoned by the surveyor's scale adopted  
99 by the Kennebec Log Driving Company. The said com-  
100 pany shall have a lien upon the logs and other lumber  
101 which may pass over and through any of its dams and  
102 improvements until the full amount of said toll is paid,  
103 to be enforced by attachment, but the logs of each mark  
104 shall only be holden for the unpaid tolls of such mark.

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

'Sect. 7. When said corporation shall have received in  
108 tolls its outlay on all dams and improvements, and for  
109 repairs made up to that time, with six per cent interest  
110 thereon, then the tolls herein provided shall be reduced  
111 to a sum sufficient to keep said dams and other improve-  
112 ments in repair. Some suitable person shall be appointed  
113 by said corporation as auditor to audit the account and

114 determine the cost of said dam, improvements and re-  
115 pairs.

'Sect. 8. The first meeting of said corporation shall be  
117 called by a notice signed by one of the incorporators  
118 named in Section one, mailed to each of the other incor-  
119 porators at least seven days before the day of such meet-  
120 ing.

'Sect. 9. Said corporation is authorized to impound and  
122 restrain the natural flow of said waters only when and in  
123 so far as necessary for log-driving purposes, and as limit-  
124 ed by this act. No dam authorized by this act shall be  
125 used for power purposes.

'Sect. 10. All the property, rights and franchises within  
127 the state of Maine acquired, erected, owned, held or con-  
128 trolled by the said corporation, or its successors or as-  
129 signs, at any time after this act shall take effect, under  
130 and by virtue of the terms thereof, shall be subject to be  
131 taken over by, and become the property of the State of  
132 Maine, whenever said state shall determine by appropriate  
133 legislation that the public interests require the same to  
134 be done. Upon the taking effect of such legislation, the  
135 ownership of said property, rights and franchises shall  
136 immediately be transferred to, and vest in, said state of  
137 Maine, and said state shall pay to said corporation the  
138 fair value of all the same, excepting, however, such fran-  
139 chises and rights as are conferred upon said corporation  
140 under and by virtue of the provisions of this act, which  
141 said franchises and right shall be wholly excluded in the

142 determination of the amount to be paid to said corpora-  
143 tion by said state of Maine.

The fair value of the property, rights and franchises so  
145 taken by the State of Maine, subject to the exceptions  
146 hereinbefore mentioned, shall be determined by agree-  
147 ment between said corporation and such officers and agents  
148 of said state as shall be thereunto authorized to act in  
149 its behalf by the act which authorizes the taking of said  
150 property, rights and franchises; and such agreement fail-  
151 ing within six months after said act takes effect, then by  
152 such fair and impartial tribunal and under such provisions  
153 as to the manner of procedure and for full hearing of  
154 parties and payment of damages awarded, as shall be pro-  
155 vided in said act.'