

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 248

House of Representatives, Feb. 20, 1911.

Reported by Mr. Emerson 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 incorporate the Cold Stream Dam and Improvement
Company.

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

Sect. 1. Elizabeth S. Haynes, Ira H. Randall, William
2 J. Lanigan and Forrest H. Colby, their associates, successors
3 and assigns, are hereby incorporated under the name of the
4 Cold Stream Dam and Improvement Company, with all the
5 powers and privileges of similar corporations.

Sect. 2. Said company is hereby authorized to erect and
2 maintain dams on Cold Stream in township two, range seven,
3 known as Misery town; township three, range seven, known
4 as Parlin Pond town; township two, range six, known as
5 Upper Cold Stream and Johnson Mountain town; and

6 one, range five, known as Lower Cold Stream town; all in
7 Bingham's Kennebec Purchase, West Kennebec River, Som-
8 erset County; and to erect and maintain necessary side
9 dams, piers and booms therein, and otherwise improve said
10 Cold Stream by removing rocks and trees, excavating ledges
11 therefrom, and widening and deepening and otherwise im-
12 proving the same, for the purpose of raising a head of wa-
13 ter for making said brook and its tributaries floatable and of
14 facilitating the driving of logs, pulp wood and other lumber
15 upon the same.

Sect. 3. Said company for the above purposes may take
2 all necessary lands and materials for building said dams 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 as-
7 certained by the county commissioners of the County of
8 Somerset in the same manner and under the same condi-
9 tions and limitations as provided by law in the case of dam-
10 ages occasioned by the laying out of highways, and the
11 amount of damages so determined shall be paid by said com-
12 pany, and the damages arising from the flowing of land may
13 be recovered in accordance with the provisions in the stat-
14 utes for recovering damages for flowing land occasioned by
15 raising a head of water for the working of mills.

Sect. 4. Said company may demand and receive tolls for
2 the passage of all logs and lumber over their dams and im-

3 improvements, as follows: For all logs and lumber landed in
4 said Cold Stream above the upper dam, so called, fifty cents
5 per thousand feet. For all logs, pulp wood and other lum-
6 ber landed between the upper dam and the middle dam, so
7 called, thirty cents per thousand feet. For all logs, pulp
8 wood and other lumber landed below the middle dam and
9 above the lower dam, so called, fifteen cents per thousand
10 feet, and below the lower dam, ten cents per thousand feet.
11 The above tolls to be reckoned by the surveyor's scale adopt-
12 ed by the Kennebec Log Driving Company. The said com-
13 pany shall have a lien upon all logs, pulp wood and other
14 lumber which may pass over and through any of its dams
15 or improvements until the full amount of said toll is paid,
16 to be enforced by attachment, but the logs of each mark shall
17 only be holden for the unpaid tolls of such mark.

Sect. 5. The capital stock of this corporation shall be fif-
2 teen thousand dollars.

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

Sect. 7. The first meeting of said corporation shall be
2 called by a notice signed by one of the incorporators named

3 in section one, mailed to each of the other incorporators at
4 least seven days before the day of such meeting.

Sect. 8. Said corporation is authorized to impound and re-
2 strain the natural flow of said waters only when and in so
3 far as is necessary for log-driving purposes, and as limited
4 by this act, and not to hold water back to the injury of those
5 driving logs below said middle dam. No dam authorized by
6 this act shall be used for power purposes.

Sect. 9. 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 interests 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 this
15 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 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 by
23 the act which authorizes the taking of said property, rights
24 and franchises; and such agreement failing within six
25 months after said act takes effect, then by such fair and im-
26 partial tribunal and under such provisions as to the manner
27 of procedure and for full hearing of parties and payment of
28 damages awarded, as shall be provided in said act.