

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 83

In Senate Feb. 9, 1911.

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

W. C. HANSON, Secretary.

STATE OF MAINE

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

AN ACT to incorporate the Sawtelle Brook Dam and Improve-
ment Company.

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

Section 1. B. W. Howe, Nathaniel Lord, George W. Ban-
2 ton, and Henry Prentiss, their associates, successors and as-
3 signs, are hereby incorporated under the name of the Saw-
4 telle Brook 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 a dam at or near the foot of Scraggly Lake in
3 township seven, range eight, also a dam at or near the foot
4 of the meadows on Sawtelle Brook in township six, range
5 seven and also a dam or sluice at Sawtelle Brook Falls, so

6 called, in township six, range seven and any other dams that
7 may be necessary on said brook or on the branches thereof,
8 said waters being in the county of Penobscot, and may also
9 erect and maintain all necessary side dams, piers and booms
10 therein, and otherwise improve the same by removing rocks
11 and trees, excavating ledges therefrom, and widening, deep-
12 ening and otherwise improving the same for the purpose
13 of raising a head of water, and of making said brook and
14 its branches floatable, and of facilitating the driving of logs
15 and lumber upon the same.

Sect. 3. Said company for the above purposes may take
2 all necessary lands and materials for the building of said
3 dams and making said improvements, and may flow contig-
4 uous lands so far as necessary, and if interested parties can-
5 not agree upon the amount of damages to be paid by said
6 corporation for the land and material so taken, said dam-
7 ages shall be ascertained by the county commissioners of the
8 county of Penobscot, in the same manner and under the
9 same conditions and limitations as provided by law in the
10 case of damages occasioned by the laying out of highways,
11 and the amount of damages so determined shall be paid by
12 said company, and the damages arising from the flowing of
13 lands may be recovered in accordance with the provisions of
14 the statutes for recovering damages for flowing land occa-
15 sioned by 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 provements as follows: For all logs or lumber, pulpwood
4 or railroad ties passing over the dam at the foot of Scraggly
5 Lake and driven to the mouth of Sawtelle Brook, a toll of
6 fifty cents per thousand feet, board measure, woods scale on
7 all logs; twenty-five cents per cord on all four-foot pulp-
8 wood, and a toll of fifty cents per thousand on all railroad
9 ties reckoned at eighty ties to a thousand if the same have
10 not been scaled. For all logs or lumber passing over the
11 Sawtelle Brook Falls a toll of twenty-five cents per thou-
12 sand feet board measure, woods scale on all logs; thirteen
13 cents per cord on all four-foot pulpwood, and a toll of
14 twenty-five cents per thousand on all railroad ties reckoned
15 at eighty ties to a thousand if the same have not been scaled.
16 The said company shall have a lien upon the logs and other
17 lumber which may pass over and through any of its dams
18 or improvements until the full amount of said toll is paid,
19 to be enforced by attachment, but the logs of each mark
20 shall be holden only for the unpaid tolls of such mark and
21 the wood and ties shall only be holden to pay the toll of
22 such wood or ties.

Sect. 5. Said company may issue its capital stock to an
2 amount not exceeding ten thousand dollars.

Sect. 6. When said corporation shall have received from
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 sum
5 sufficient to keep said dams and other improvements in re-

6 pair. Some suitable person shall be appointed by said cor-
7 poration as auditor to audit the accounts and determine the
8 cost of said dams, 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, and mailed to each of the other incorporators
4 at least seven days before the day of such meeting. Any
5 incorporator may act at such meeting through power of at-
6 torney.

Sect. 8. 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. 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
15 this act, which said franchises and rights shall be wholly
16 excluded in the determination of the amount to be paid to
17 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 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.