

NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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SENATE

NO. 175

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*In Senate, March 7, 1911.*

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

*W. C. HANSON, Secretary.*

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STATE OF MAINE

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AN ACT to incorporate the Mopang Dam and Improvement  
Company.

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

Section 1. Frank S. Ames, Alfred K. Ames, Wilson D.  
2 Wing, James M. W. Hall and D. Henry Wellman, their  
3 associates and assigns, are hereby incorporated under the  
4 name of the Mopang Dam and Improvement Company, with  
5 all the powers and privileges of similar corporations.

Sect. 2. Said corporation is authorized to build dams, side  
2 dams, remove rocks and make all other necessary improve-  
3 ments in Mopang stream to facilitate the driving of logs  
4 and lumber down the same, and for this purpose the said  
5 corporation may take land and materials necessary to build  
6 such dams, and make such improvements; and may flow

7 contiguous lands so far as necessary to raise suitable heads  
8 of water. And if the parties cannot agree upon the dam-  
9 ages, the corporation shall pay the proprietors of the land  
10 and materials so taken, such damages as shall be ascertained  
11 and determined by the county commissioners for the county  
12 of Washington, in the same manner, and under the same  
13 conditions and limitations as are by law provided in the  
14 case of damage by laying out public highways. And for the  
15 damage occasioned by flowing land, the said corporation  
16 shall not be liable to an action at common law, but persons  
17 injured may have a remedy by a complaint for flowing, in  
18 which the same proceedings shall be had as when a com-  
19 plaint is made under a statute of this state for flowing lands,  
20 occasioned by raising a head of water for the working of  
21 mills.

Sect. 3. The said corporation may demand and receive a  
2 toll for the passage of logs over or through their said dams  
3 and improvements of five cents per thousand feet, board  
4 measure, woods scale, for all logs landed between the mouth  
5 of Mopang Stream and Six Mile Dam and of ten cents  
6 between Six Mile Dam and Robinson Dam and of fifteen  
7 cents between Robinson Dam and Gravel Dam and of twen-  
8 ty cents for all logs landed in Mopang Lake. And said cor-  
9 poration shall have a lien upon all logs and lumber which  
10 may pass over any of its dams and improvements, for the  
11 payment of said tolls; but the lots of each particular mark  
12 shall be holden only for the tolls of such mark, and unless

13 such toll is paid within twenty days after such logs or lum-  
14 ber or a major part of the same, shall arrive at the place of  
15 manufacture or destination, said corporation may seize said  
16 logs and lumber and sell at public auction so many and so  
17 much thereof as shall be necessary to pay such tolls, costs  
18 and charges. Notice of the time and place of such sale shall  
19 be given fourteen days before such sale, in some newspaper  
20 printed in Machias.

Sect. 4. The capital stock of this corporation shall be five  
2 thousand dollars.

Sect. 5. 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 an auditor to audit the account and determine the  
8 cost of said dams, improvements and repairs.

Sect. 6. 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. 7. 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. 8. 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 duly authorized to act in its be-  
23 half 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 pay-  
28 ment of damages awarded as shall be provided in said act.