

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 396

In Senate, Feb. 27, 1913.

*Reported by Senator Colby from Committee on Interior
Waters, and ordered printed under joint rules.*

W. E. LAWRY, Secretary.

STATE OF MAINE

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

AN ACT to incorporate the Sandy Stream Log Driving
Company.

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

Section 1. John P. Elton, Adelbert P. Hine, George P.
2 Goodwin, D. Pastorius, Napoleon J. Grenier, and their asso-
3 ciates, successors, and assigns are hereby incorporated
4 under the name of the Sandy Stream Log Driving Com-
5 pany.

Sect. 2. Said company is hereby authorized and empow-
2 ered to locate, erect and maintain dams, side dams, bunters,
3 piers, booms, rack booms, and shore holds or fastenings,
4 on Sandy stream in Lexington and Highland plantations.
5 in Somerset county, and on its tributaries in said planta-

6 tions, and on Gilman pond in said Lexington plantation and
7 in New Portland, in said Somerset county, and on Gilman
8 stream, in said New Portland, and on the tributaries of said
9 Gilman pond and Gilman stream, and to remove rocks,
10 widen, deepen, and otherwise improve said streams and
11 pond, and their tributaries in order to facilitate the driving
12 of logs, pulp wood, and other lumber down said stream and
13 across said pond, and for the further purpose of holding
14 wood pulp and logs and other lumber that may come within
15 the same, without unreasonable or unnecessary delay, said
16 dams and booms of all kinds to be so constructed as to pro-
17 vide prompt and convenient passage.

Sect. 3. Said company, for the purposes aforesaid, may
2 take necessary lands and materials for building such dams,
3 side dams, bunters, piers, booms, rack booms, and shore
4 holds or fastenings, and for making such improvements,
5 and may flow contiguous lands so far as necessary to raise
6 suitable head of water, and may attach their booms, dams,
7 and said other improvements or fixtures to land adjacent
8 to said streams and pond and their tributaries, and may,
9 with their agents, servants, and teams, pass and repass over
10 and along their shores and to and from the same over the
11 lands of other persons for the purposes aforesaid, making
12 compensation therefor as provided in case of damages for
13 lands taken in laying out highways; and for the damages
14 arising from flowing of lands, said company shall not be
15 liable in an action at law, but the person injured shall have

16 a remedy by complaint for flowage, in which the same pro-
17 ceedings shall be had as when a complaint is made under
18 the statutes of Maine providing for the recovery of dam-
19 ages for flowing lands occasioned by a mill dam.

Sect. 4. Said company may demand and receive a toll for
2 the passage of logs, pulp wood, and other lumber over and
3 through the dams and other of said improvements on said
4 streams, pond and their tributaries, of twenty-five cents per
5 cord for each cord of pulp wood, and fifty cents per thou-
6 sand feet for logs and other lumber above the north Lexing-
7 ton line: ten cents per cord for each cord of pulp wood,
8 and twenty-five cents per thousand feet for logs and other
9 lumber entered between the north Lexington line and Gil-
10 man pond: and five cents per cord for each cord of pulp
11 wood and ten cents per thousand feet for logs and other
12 lumber from Gilman pond down, including Gilman pond,
13 at the same scale adopted by the Kennebec Log Driving
14 Company. Said company shall have a lien on all logs, pulp
15 wood, and other lumber that may pass over or through said
16 dams and other improvements for the payment of said tolls,
17 but the logs, pulp wood, and other lumber of each particu-
18 lar mark shall be held only for the tolls of such mark.
19 Unless such tolls are paid within twenty days after said
20 logs, pulp wood and other lumber, or the major part of
21 them, shall have arrived in the Carrabassett river, said
22 company may seize said logs, pulp wood, and other lumber,
23 and sell at public auction so many or so much thereof as
24 shall be necessary to pay said tolls, cost, and charges, notice

25 of the time and place of sale to be published three succes-
26 sive weeks in some newspaper printed in Somerset county,
27 the last publication to be at least ten days before the day
28 of sale. The lien hereby created shall have precedence
29 over all other claims, mortgages of liens (except for stump-
30 age on logs cut on state lands and previous statutory liens
31 for labor), but shall not deprive said company of any other
32 legal remedy it may have to collect its tolls.

Sect. 5. When said company shall have received from
2 tolls their outlays on dams, booms, and other improvements
3 and repairs made up to that time and six per cent interest
4 thereon, then the tolls shall be reduced to a sufficient sum
5 to keep the works in repair. The chairman of the county
6 commissioners for Somerset county for the time being shall
7 audit the accounts of said company for the aforesaid pur-
8 poses, to determine the cost of dams, booms and other im-
9 provements and repairs.

Sect. 6. The costs of dams, booms, and other improve-
2 ments already erected upon said streams, pond, and their
3 tributaries by the Newcastle Lumber Company during and
4 since the year 1909 shall be included in the costs of im-
5 provements designated in this act.

Sect. 7. Said company may issue its capital stock to an
2 amount not exceeding fifty thousand dollars, to be divided
3 into shares of one hundred dollars each.

Sect. 8. Provided, however, that such dams and other
2 improvements shall not be used for power purposes.