

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 543

In Senate, March 18, 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, George D. Pastorius, Napoleon J. Grenier, and
3 their associates, successors, and assigns are hereby incor-
4 porated under the name of the Sandy Stream Log Driving
5 Company.

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, on
4 Sandy stream in Lexington and Highland plantations, in

5 Somerset county, and on its tributaries in said plantations,
6 and on Gilman pond in said Lexington plantation and in
7 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 streams 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, and
5 may flow contiguous lands so far as necessary to raise a
6 suitable head of water, and may attach their booms, dams,
7 and said other improvements of 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 damages
19 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 line of
7 Lexington plantation; ten cents per cord for each cord of
8 pulp wood, and twenty-five cents per thousand feet for logs
9 and other lumber entered between the north line of Lex-
10 ington plantation and Gilman pond; and five cents per cord
11 for each cord of pulp wood and ten cents per thousand feet
12 for logs and other lumber from Gilman pond down, includ-
13 ing Gilman pond, at the same scale adopted by the Ken-
14 nebec Log Driving Company. Said company shall have a
15 lien on all logs, pulp wood, and other lumber that may pass
16 over or through said dams and other improvements for the
17 payment of said tolls, but the logs, pulp wood, and other
18 lumber of each particular mark shall be held only for the
19 tolls of such mark. Unless such tolls are paid within twenty
20 days after said logs, pulp wood and other lumber, or the
21 major part of them, shall have arrived in the Carrabasset
22 river, said company may seize said logs, pulp wood, and
23 other lumber, and sell at public auction so many, or so much

24 thereof as shall be necessary to pay said tolls, cost, and
25 charges, notice of the time and place of sale to be published
26 three successive weeks in some newspaper printed in Som-
27 erset county, the last publication to be at least ten days be-
28 fore the day of sale. The lien hereby created shall have
29 precedence over all other claims, mortgages, or liens (except
30 for stumpage on logs cut on state lands and previous statu-
31 tory liens for labor), but shall not deprive said company of
32 any other 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 sum sufficient to
5 keep the works in repair. The county commissioners of
6 Somerset county shall audit the accounts of said company
7 for the aforesaid purposes, to determine the cost of dams,
8 booms and other improvements and repairs.

Sect. 6. The present actual value of dams, booms, and
2 other improvements already erected upon said streams, pond,
3 and their tributaries by the Newcastle Lumber Company
4 during and since the year nineteen hundred nine, shall be
5 included in the costs of improvements 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 im-
2 provements shall not be used for power purposes.