

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-EIGHTH LEGISLATURE

HOUSE

NO. 593

House of Representatives, March 16, 1917.

Printed under Joint Rules.

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVENTEEN

AN ACT to Incorporate the Mattakeunk Stream Dam and Im-
provement Company.

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

Section 1. George M. Stearns, W. I. Butterfield, Edward
2 B. Draper, Everett E. Amey, Gilbert Oakley, Harrison Mer-
3 rill, their associates and assigns, are hereby incorporated
4 under the name of the Mattakeunk Stream Dam and Im-
5 provement Company, with all the powers and privileges of
6 similar corporations.

Sect. 2. Said corporation is authorized to build dams,
2 side dams, remove rocks and make all other necessary im-
3 provements in the East Branch of Mattakeunk Stream and

4 on the main stream below the confluence of the East and
5 West Branches to facilitate the driving of logs and lumber
6 down the same, and for this purpose said corporation may
7 take land and materials necessary to build such dams and
8 make such improvements; and may flow contiguous lands so
9 far as necessary to raise suitable heads of water. And if
10 the parties cannot agree upon the damages, the corporation
11 shall pay the proprietors of the land and materials so taken
12 such damages as shall be ascertained and determined by the
13 County Commissioners for the County of Penobscot, in the
14 same manner and under the same conditions and limitations
15 as are by law provided in the case of damages by laying out
16 public highways. And for the damage occasioned by flow-
17 ing land, the said corporation shall not be liable in an action
18 at common law, but persons injured may have a remedy by
19 a complaint for flowing, in which the same proceedings
20 shall be had as when a complaint is made under a statute of
21 this state for flowing lands, occasioned by raising a head of
22 water for the working of mills; but said corporation is not
23 authorized to take, by right of eminent domain, any de-
24 veloped water power.

Sect. 3. The State of Maine reserves the right to take
2 over by proper legislation, the property, rights and fran-
3 chises of said company upon the payment of just compensa-
4 tion to the owners thereof, but such compensation shall not
5 include the value of the franchises hereby granted.

Sect. 4. Said corporation may demand and receive a toll

2 for the passage of logs and lumber over or through its said
3 dams and improvements as follows:

Twenty-five cents per thousand feet for logs.

Twelve and a half cents per cord for pulp wood.

Twenty-five cents per thousand feet for ties, reckoning
2 fifty-ties to a thousand feet, if not scaled.

And said corporation shall have a lien upon all logs and
2 lumber which may pass over its dams and improvements for
3 the payments of said tolls; but the logs of each particular
4 mark shall be holden only for the tolls of such mark, and
5 unless such toll is paid within twenty days after such logs
6 or lumber, or a major part of the same, shall arrive at the
7 place of manufacture or destination, said corporation may
8 seize said logs and lumber and sell at public auction so many
9 and so much thereof as shall be necessary to pay such tolls,
10 costs and charges thereon, after ten days notice in writing
11 of the time and place of said sale given to the owner of such
12 logs or lumber, or his agent.

Sect. 5. When said corporation shall receive from 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 improvements in repair. Said cor-
6 poration shall keep correct and full account of all its re-
7 ceipts and expenditures, and shall submit the same at any
8 time for examination to any person, firm or corporation
9 liable to pay tolls under this act.

Sect. 6. No dam built by said corporation under this act
2 shall be used for power purposes.

Sect. 7. The capital stock of said corporation may be
2 fixed by it from time to time, but not to exceed fifty thou-
3 sand dollars, to be divided into shares of such par value as
4 it may determine. The corporation may, by its by-laws, pro-
5 vide for all its officers and for the management of its inter-
6 nal affairs in the same manner as corporations organized
7 under the general laws of the state.

Sect. 8. 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
4 at least seven days before the day of such meeting.