

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 333

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House of Representatives, March 8, 1923.

Reported by Mr. Hale from Committee on Legal Affairs  
and ordered printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Piper of Jackman.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-THREE

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AN ACT to Incorporate the Fall Brook Improvement  
Company.

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

Section 1. Name and Incorporators. Forrest H. Colby,  
2 Joseph A. Warren, Walter B. Nye, Herbert W. Mason, and  
3 Samuel D. Warren, their associates and assigns, are here-  
4 by incorporated under the name of Fall Brook Improve-  
5 ment Company, with all the powers and privileges of similar  
6 corporations.

Sect. 2. Purposes and Powers. Said corporation is au-  
2 thorized to build dams, side dams, piers and booms, and  
3 to maintain the same, on Fall brook and its tributaries in

4 the towns of Solon, Bingham and Brighton in the county  
5 of Somerset; to remove rocks and trees and to excavate  
6 ledges therefrom; and to widen, deepen and otherwise im-  
7 prove the same for the purpose of raising a head of water  
8 and of making said brook and its tributaries floatable to  
9 facilitate the driving of logs, pulp wood, and other lumber  
10 on the same.

Said corporation for the above purposes may take all nec-  
2 essary land and materials for building said dams and piers  
3 and making such improvements; may flow contiguous lands  
4 so far as necessary to raise suitable heads of water; may  
5 attach their booms and piers to land adjacent to said brook;  
6 and may with their agents, servants and teams pass and  
7 repass over and along said brook and adjacent land, and  
8 to and from the same over the land of other persons for  
9 the purposes aforesaid and for managing said dams, piers  
10 and booms.

If the parties cannot agree on the damages, said corpo-  
2 ration shall pay the proprietors for the land and materials  
3 so taken and the damage so done; the amount to be ascer-  
4 tained and determined by the county commissioners of the  
5 county of Somerset in the same manner and under the  
6 same conditions and limitations as provided by law in the  
7 case of damages by laying out of highways; and for the  
8 damage done by flowing land, said corporation and its as-  
9 signs shall not be liable to an action at common law, but  
10 the person injured may have remedy by complaint for flow-

11 age, when the same proceedings shall be had as when a  
12 complaint is made under the statutes of this state for flow-  
13 ing lands by raising a head of water for the working of  
14 mills.

Sect. 3. Tolls. Said corporation may demand and re-  
2 ceive a toll for the passage of logs, pulp wood and other  
3 lumber over their improvements of fifty cents per thousand  
4 feet for logs and lumber and twenty-five cents per cord for  
5 pulp wood; and shall have a lien thereon for the payment  
6 of said toll with all costs and charges, but the logs, wood  
7 and lumber of each owner shall only be holden for the  
8 amount due from him. Unless said toll is paid within twen-  
9 ty days after said logs, pulp wood or other lumber, or the  
10 major part thereof, passes the south line of the town of  
11 Bingham, said lien may be enforced by attachment and suit  
12 to be begun within ninety days after the same shall have  
13 passed the south line of said Bingham.

Sect. 4. Interference with existing Dams and Mills. This  
2 act does not authorize said corporation or its assigns to  
3 interfere with the riparian rights of the existing dams and  
4 mills on said brook in the town of Solon.

Sect. 5. My Impound Water—Not for Power Purposes.  
2 Said corporation is authorized to impound and restrain the  
3 natural flow of said waters only when and in so far as is  
4 necessary for log-driving purposes, and as limited by this  
5 act. No dam built by said corporation under this act shall  
6 be used by it for power purposes.

Sect. 6. State may take over Property. The state of  
2 Maine reserves the right to take over by proper legislation,  
3 the property, rights and franchises of said company upon  
4 the payment of just compensation to the owners thereof,  
5 but such compensation shall not include the value of the  
6 franchises hereby granted.

Sect. 7. Said corporation shall not exercise any of the  
2 powers or privileges by this act conferred upon it unless  
3 and until it shall have acquired by purchase or otherwise  
4 all the rights, privileges and franchises granted to Solon  
5 Lumber Company and its assigns by chapter forty of the  
6 private and special laws of nineteen hundred and eleven,  
7 as amended by chapter twenty of the private and special  
8 laws of nineteen hundred and twenty-one, and the property  
9 and improvements acquired, owned and made under and  
10 for the purposes thereof, which rights, privileges and fran-  
11 chises, property and improvements, it is hereby authorized  
12 to acquire, by purchase or otherwise, and said Solon Lum-  
13 ber Company and its assigns are authorized to convey, and  
14 said corporation shall, except as the same are by this act  
15 modified or changed, after such acquisition exercise all  
16 such rights, privileges and franchises and use and control  
17 said property and improvements as if the same were origi-  
18 nally granted to the corporation created by this act.