

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 701

S. P. 219

In Senate, Feb. 17, 1933.

Reported by Senator Holman of Franklin from Committee on Judiciary and laid on table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Holman of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

AN ACT to Incorporate Sandy River Log Driving Company.

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

Sec. 1. Incorporation of Sandy River Log Driving Company. Almon B. Sargent of Stratton, and Harry A. Furbish of Rangeley, and Daniel F. Field of Phillips, and Blaine S. Viles of Augusta, all in the state of Maine, their associates, successors and assigns, are hereby made a body corporate under the name of Sandy River Log Driving Company with all the rights, powers and privileges of log driving companies.

Sec. 2. Capital stock. Said corporation may issue its capital stock to an amount not exceeding \$10,000 to be divided into shares of \$100 each.

Sec. 3. May improve Sandy river and construct dams, etc. Said corporation is hereby authorized and empowered to improve Sandy river, so-called, located in the county of Franklin, from the source and tributaries of said river to its mouth where it joins the Kennebec river, for the purpose of driving logs, lumber and pulpwood, by widening, deepening and removing obstructions from said river, by the construction of dams, side dams and sluice ways therein, and by the erection of booms, side booms and piers, and by making or causing to be made such changes in existing dams as may be necessary or proper therein, to facilitate the floating of logs, lumber and pulpwood from the source and head waters of said river in the Sandy River ponds in Sandy River plantation and Redington pond in the

township of Redington, all in the county of Franklin, to its mouth where it joins the Kennebec river.

Sec. 4. Eminent domain. Said company, for the purposes aforesaid, may take all necessary lands and materials for building said dams, side dams, bunters, piers, booms, rack-booms, shore-holds and fastenings and for making said improvements, and may flow contiguous lands so far as is necessary to raise suitable heads of water, and may attach its booms, dams and other improvements and fixtures to land adjacent to said river, and may, with its servants, agents and teams, pass and re-pass over and along its shores and to and from the same for the purposes aforesaid, making compensation therefor as provided in case of damages for lands taken in laying out highways; and for the injuries arising from flowing of lands said company shall not be liable in an action at law, but those injured shall have remedy by complaint for flowage in which the same proceedings shall be had as in a complaint under the statutes of Maine for the recovery of damages for flowing lands by a mill dam.

Sec. 5. Tolls chargeable. Said company may demand and receive tolls for the passage of logs, pulpwood and other lumber over and through said stream in the following amounts: from the head waters of said stream to a point immediately above the mouth of Temple stream in the town of Farmington in the county of Franklin, 25 cents per cord of 4-foot wood, and 50 cents per 1,000 feet of logs and lumber; from a point immediately above the mouth of Temple stream in said Farmington to a point immediately above the mouth of Muddy brook in the town of New Sharon in the county of Franklin, 10 cents per cord of 4-foot wood and 20 cents per 1,000 feet of logs and lumber; from a point immediately above the mouth of Muddy brook in New Sharon aforesaid to the mouth of Sandy river where it joins the Kennebec river, 5 cents per cord of 4-foot wood and 10 cents per 1,000 feet of logs and lumber.

Sec. 6. Lien granted on logs, etc. Said company shall have a lien upon all logs, lumber and pulpwood which may pass over, or enjoy the benefit of, any of its dams and improvements on said river until the full amount of tolls is paid; but the logs, pulpwood and other lumber of each mark shall be holden only for the tolls of such mark. If any such toll is not paid within thirty days after said logs, pulpwood and other lumber, or the major part thereof, shall have arrived at the Kennebec river or at destination on Sandy river above the Kennebec river, said company may seize said logs, pulpwood and other lumber and sell at public auction so many or so much thereof as shall be necessary to pay said tolls, costs, and charges; said sale to be made only after 10 days' notice in writing of the time and place thereof to the owner of such logs, lumber and pulpwood,

or to the agent, servant or tenant of said owner; or if none of the aforesaid is readily found said notice shall be published 3 successive weeks in a newspaper printed in Franklin county, the last publication to be at least 10 days before the date of same. The lien hereby created shall have precedence over all other claims, mortgages or liens except previous and existing statutory liens for labor, but shall not deprive said company of the right to collect its tolls by suit at law or other legal remedy.

Sec. 7. Tolls to be regulated. When said company shall have received from tolls its outlays authorized by this act and for repairs made up to that time, with 6 per cent interest thereon, the toll shall be altered to a sum sufficient to pay the expense of maintenance including keeping the works in repair and if, from time to time thereafter, it shall be necessary to make additional improvements to carry out the purposes of this charter said company may increase the toll to, and maintain it at, a sum sufficient to include such outlays with 6 per cent interest thereon. The county commissioners of Franklin county shall audit the accounts of said company for the aforesaid purposes to determine the costs of dams, booms, and other improvements, maintenance and repairs.