

MAINE STATE LEGISLATURE

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DECEMBER SPECIAL SESSION

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. 83

S. P. 13

In Senate, Dec. 5, 1933.

Referred to Committee on Interior Waters and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weeks of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND
THIRTY-THREE

AN ACT to Incorporate Michael Stream Log Driving Company.

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

Sec. 1. Michael Stream Log Driving Company incorporated. Curtis M. Hutchins, Blaine S. Viles, Trevor F. Howes and Herbert E. Locke, their associates, successors and assigns, are hereby made a body corporate under the name of Michael Stream 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. Said corporation is hereby authorized and empowered to improve Michael stream, so-called, located in Lexington plantation and Highland plantation in the county of Somerset, and in the township known as Jerusalem plantation in the county of Franklin, from the source and tributaries of said stream to its mouth where it enters Sandy stream in Lexington plantation, for the purpose of driving logs, lumber and pulpwood, by widening, deepening and removing obstructions from said stream, 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 headwaters of said Michael stream to its mouth where it enters Sandy stream.

Sec. 4. Powers of company. 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 stream, 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. Toll rates. Said company may demand and receive tolls for the passage of logs, pulpwood and other lumber over and through said stream in the amount of 20 cents per cord of pulpwood and 40 cents per 1,000 feet for logs and other lumber for the driving of said pulpwood, logs or other lumber from any point on said Michael stream to Sandy stream.

Sec. 6. Lien provided for. 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 stream 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 30 days after said logs, pulpwood and other lumber, or the major part thereof, shall have arrived at Sandy stream, 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 three successive weeks in a newspaper published in Somerset county, the last publication to be at least 10 days before the date of sale. 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. Limitation on toll rates. When said company shall have received from tolls its outlays authorized by this act and for repairs made

up to that time, with 6% 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% interest thereon. The county commissioners of Somerset 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.