

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

to dispose of the same and will deliver the same free of all incumbrances, and shall cease to sell water within said town of Paris.

Section 9. In case said village corporation fails to agree with said Norway Water Company upon the terms of purchase and value of the property above mentioned within three months after this act shall have been accepted by said village corporation, as hereinafter provided for, then the value of said property shall be determined by three disinterested men living outside of the towns of Paris and Norway, to be designated by Honorable Albert R. Savage, judge of the supreme judicial court, on application in writing by either party at any time after the said three months have elapsed, and all subsequent proceedings in arriving at the value of said property shall be under the direction of said appraisers, the award of whom, or a majority of whom, made in writing to each party, shall be binding on both parties and shall be carried out within sixty days after said award is made. The cost of making this appraisal of property as herein set forth shall be divided equally between the South Paris Village Corporation and the Norway Water Company. On payment of the amount so fixed by said appraisers to said Norway Water Company by said South Paris Village Corporation, said water company shall deliver to said village corporation a good and sufficient conveyance of said property free of all liens, mortgages and incumbrances.

Value of property, how determined, if parties fail to agree.

—cost of appraisal, how divided.

Section 10. Said village corporation shall not proceed under this act until after it shall have been accepted by a majority vote of the voters present at a meeting called for that purpose.

Act to be accepted by major vote.

Approved March 13, 1909.

Chapter 141.

An Act to incorporate the Parlin Stream Dam and Improvement Company.

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

Section 1. Elizabeth S. Haynes, George L. Smith, Ira H. Randall, Fred E. Bradstreet, William J. Lanigan, Samuel W. Philbrick and Hiram Moore, their associates, successors and assigns, are hereby incorporated under the name of Parlin Stream Dam and Improvement Company, with all the powers and privileges of similar corporations.

Corporators.

—corporate name.

Section 2. Said company is hereby authorized to erect and maintain dams on the Parlin stream and Bean brook in Parlin pond plantation, in the county of Somerset, but the dam

May erect dams on Parlin stream and Bean brook,

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at or nearest to the outlet of Parlin pond shall be located at the same place where the dam last formerly used for driving purposes was located, and in no place shall be higher than the dam last formerly used at such place for log driving purposes and the head of water so to be maintained and used shall be no higher than during such former use thereof; and to erect and maintain necessary side-dams, piers and booms therein, and otherwise improve said Parlin stream and Bean brook within the limits of said Parlin Pond Plantation, by removing rocks and trees, excavating ledges therefrom, and widening, deepening and otherwise improving the same for the purpose of raising a head of water, and of making said brooks and their tributaries floatable, and of facilitating the driving of logs and lumber upon the same. During any season when logs and lumber are to be driven by the use of the dam built for raising a head of water on Parlin pond, the gates may be closed not earlier than the first day of March in said year, and may be so closed and used as the exigencies of driving may require for a period to expire not later than thirty days after the ice shall leave said Parlin pond, but to be hoisted and left hoisted, however, as soon as the use of said dam for log-driving purposes is no longer necessary during such log-driving season, and thereafterwards be kept hoisted until closed on the first day of March as aforesaid for the purpose of the next log-driving season. Said period of thirty days may be extended whenever the use of said dam shall be necessary to drive logs out of Parlin pond stream or out of said Parlin pond, upon paying any special damages occasioned by such flowage.

—maintain side dams, piers and booms.

—remove rocks, trees, etc.

—may regulate flow of water for log driving purposes.

May take necessary lands and materials.

—flow lands.

—damages, how assessed, if parties cannot agree.

Section 3. Said company for the above purposes may take all necessary lands and materials for building said dam and making said improvements and may flow contiguous lands so far as necessary, and if interested parties cannot agree upon the amount of damages to be paid by said corporation for the land and material so taken, said damages shall be ascertained by the county commissioners of the county of Somerset in the same manner and under the same conditions and limitations as provided by law in the case of damages occasioned by the laying out of highways, and the amount of damages so determined shall be paid by said company, and the damages arising from the flowing of land may be recovered in accordance with the provisions in the statutes for recovering damages for flowing land occasioned by raising a head of water for the working of mills.

Plans shall be submitted to Co. commissioners

Section 4. Before building any dam or dams likely to overflow any public highway, the said corporation shall, at its own expense, cause plans and specifications to be made showing

the changes to be made in such way for the protection thereof from such flowage and submit the same to the county commissioners for Somerset county for their approval. If after notice and hearing said commissioners refuse their approval, said corporation may appeal to the supreme judicial court at the next term thereof held in said county, which court may make final decree thereon, and no dam or dams shall be built or changes made in any public highway till the plans and specifications are approved, either by said commissioners or the justice presiding at said supreme judicial court, and the gates of said dam or dams shall not be closed till all changes are made in said highway, in accordance with said approved plans and specifications, and the endorsement of said commissioners or said justice thereon shall be necessary to show that said changes have been made in accordance therewith, and this endorsement shall be a prerequisite to the use of said dam or dams for any purpose whatsoever. Thereupon all changes after any such appeal shall be made by and at the sole expense of said corporation. All repairs thereafter required on said highway made necessary by the use of any such dams shall be at the expense of such corporation, and in case of disagreement thereon any single justice of the supreme judicial court, sitting in equity in term time or vacation, may enforce this liability by appropriate process or petition of the said county commissioners.

before building dams likely to overflow highways.
—appeal to S. J. Court.

repairs on highways, by whom paid for.
—in case of disagreement.

Section 5. Said company may demand and receive tolls for the passage of all logs and lumber over their dams and improvements, as follows: For all logs and lumber landed in Bean brook, or in Parlin pond above the dam, or in Parlin stream above Lang brook, fifty cents per thousand feet. For all logs and lumber landed in said Parlin stream below Lang brook, thirty cents per thousand feet. The above tolls to be reckoned by the surveyor's scale adopted by the Kennebec Log Driving Company. The said company shall have a lien upon the logs and other lumber which may pass over and through any of its dams or improvements until the full amount of said toll is paid, to be enforced by attachment, but the logs of each mark shall only be holden for the unpaid tolls of such mark.

May receive tolls.

—rates of toll.

—lien on logs for tolls.

Section 6. The capital stock of this corporation shall be ten thousand dollars.

Capital stock.

Section 7. When said corporation shall have received in tolls its outlay on all dams and improvements, and for repairs made up to that time, with six per cent. interest thereon, then the tolls herein provided shall be reduced to a sum sufficient to keep said dams and other improvements in repair. Some suitable

Readjustment of tolls.

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person shall be appointed by said corporation as auditor to audit the accounts and determine the cost of said dam, improvements and repairs.

First meet-
ing, how
called.

Section 8. The first meeting of said corporation shall be called by a notice signed by one of the incorporators named in section one, mailed to each of the other incorporators at least seven days before the day of such meeting.

When ne-
cessary,
may re-
strain flow
of water.

Section 9. Said corporation is authorized to impound and restrain the natural flow of said waters only when and in so far as necessary for log-driving purposes, and as limited by this act. No dam authorized by this act shall be used for power purposes.

All prop-
erty, fran-
chises, etc.,
subject to be
taken over
by the state.

Section 10. All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said corporation, or its successors or assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by, and become the property of the state of Maine, whenever said state shall determine by appropriate legislation that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting, however, such franchises and rights as are conferred upon said corporation under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

—state
shall pay
fair value.

Fair value,
how deter-
mined.

The fair value of the property, rights and franchises so taken by the state of Maine, subject to the exceptions hereinbefore mentioned shall be determined by agreement between said corporation and such officers and agents of said state as shall be thereunto authorized to act in its behalf by the act which authorizes the taking of said property, rights and franchises; and such agreement failing within six months after said act takes effect, then by such fair and impartial tribunal and under such provisions as to the manner of procedure and for full hearing of parties and payment of damages awarded as shall be provided in said act.

Approved March 13, 1909.