

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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approved March twenty, one thousand nine hundred and seven, and chapter four hundred thirty-nine of the private and special laws of the state of Maine approved March twenty-eight, one thousand nine hundred and seven, and shall exercise and enjoy the same as fully and in the same manner as the said Atlantic Shore Line Railway was authorized to exercise and enjoy the same under the general laws of the state of Maine and under said private and special laws above referred to; subject, however, to the same conditions and limitations as are therein or under the general laws of this state imposed, and to all prior liens thereon by virtue of any valid conveyance thereof by mortgage deed or otherwise, existing prior to April second, one thousand nine hundred and six.

Rights to property acquired of Atlantic Shore Line Railway.

Section 3. The said Atlantic Shore Railway is authorized to hold and enjoy all property, both real and personal, so acquired of said Atlantic Shore Line Railway or that may be hereafter acquired, and situated in the state of New Hampshire, and to exercise all its rights, privileges and franchises within said state of New Hampshire so far as may be necessary to operate its railroad or ferry within the limits of said state, and may obtain concurrent or other necessary legislation of said state of New Hampshire for the purpose of giving effect to the rights, powers and franchises hereby granted and of exercising the same within the limits of said state.

Approved February 27, 1911.

Chapter 40.

An Act to authorize the Improvement of Fall Brook in the Towns of Bingham and Brighton.

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

Dams, piers and booms, authorized in Fall brook and tributaries.

Section 1. The Solon Lumber Company, a corporation duly established by law at Solon in the county of Somerset, and its assigns are hereby authorized to build dams, side dams, piers and booms, and to maintain same, on Fall brook and its tributaries in the towns of Bingham and Brighton in the county of Somerset; to remove rocks and trees and to excavate ledges therefrom; and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making said brook and its tributaries floatable to facilitate the driving of logs, pulp wood and other lumber on the same.

—may make improvements to facilitate driving logs and lumber.

May take land and materials for building dams, piers, etc.

Section 2. Said corporation and its assigns for the above purposes may take all necessary land and materials for building said dams and piers and making such improvements; may flow

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contiguous lands so far as necessary to raise suitable heads of water; may attach their booms and piers to land adjacent to said brook; and may with their agents, servants and teams pass and repass over and along said brook and adjacent land, and to and from the same over the land of other persons for the purposes aforesaid and for managing said dams, piers and booms.

—may pass and repass over lands of others.

Section 3. If the parties cannot agree on the damages, said corporation and its assigns shall pay the proprietors for the land and materials so taken and the damage so done; the amount to be ascertained and determined 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 by laying out of highways; and for the damage done by flowing land, said corporation and its assigns shall not be liable to an action at common law, but the person injured may have remedy by complaint for flowage, when the same proceedings shall be had as when a complaint is made under the statutes of this state for flowing lands by raising a head of water for the working of mills.

Damages, how determined, if parties fail to agree.

—proceedings for damage done by flowing land.

Section 4. Said corporation and its assigns may demand and receive a toll for the passage of logs, pulp wood and other lumber over their improvements of fifteen cents per thousand feet for logs and lumber and eight cents per cord for pulp wood; and shall have a lien thereon for the payment of said toll with all costs and charges, but the logs, wood and lumber of each owner shall only be holden for the amount due from him. Unless said toll is paid within twenty days after said logs, pulp wood or other lumber, or the major part thereof, passes the south line of the town of Bingham, said lien may be enforced by attachment and suit to be begun within ninety days after the same shall have passed the south line of said Bingham.

May demand toll for passage of logs and lumber.

—Lien on logs and lumber.

Section 5. This act does not authorize said corporation or its assigns to interfere with the riparian rights of the existing dams and mills on said brook in the town of Solon.

—enforcement of lien.

Interference of riparian rights.

Section 6. Said corporation is authorized to impound and restrain the natural flow of said waters only when and in so far as is necessary for log-driving purposes, and as limited by this act. No dam authorized by this act shall be used for power purposes.

May restrain natural flow of water when necessary for log driving.

Section 7. 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 deter-

Property, rights, etc., subject to be taken over by the state.

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—state shall pay fair value for property taken.

mine by appropriate legislation that the public interest 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.

—value of property taken, how determined.

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 February 27, 1911.

Chapter 41.

An Act to incorporate the Town of Stockholm.

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

Town of Stockholm incorporated.

Section 1. Township number sixteen, range three, west from the east line of the state of Maine, in the county of Aroostook, and known as Stockholm plantation, is hereby incorporated as a town under the name of Stockholm; and the inhabitants thereof are hereby invested with all the powers and privileges and subject to the duties and liabilities incident to other towns in this state.

Collection of taxes.

Section 2. The collectors of the plantation of Stockholm shall have power to finish the collection of all taxes which have been committed to them for collection prior to the passage of this act, and to settle with and pay the same to the treasurer of the town of Stockholm; and the several officers of said plantation are empowered to perform all the duties of town officers in the town created by this act, until their successors shall have been chosen and qualified as town officers of the town of Stockholm under this act.

—duties of officers.