

# 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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## CHAP. 84

ing in hand to each of the corporators, or by mailing to him a notice of the time and place of meeting for the purpose of organizing, seven days before the day of meeting.

Approved March 10, 1911.

### Chapter 84.

An Act to extend the Charter of the Parlin Stream Dam and Improvement Company.

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

Charter extended for two years.

Section 1. The charter of the Parlin Stream Dam and Improvement Company, granted by chapter one hundred and forty-one of the private and special laws of Maine for the year one thousand nine hundred and nine, is hereby extended for two years from the date when this act takes effect.

Chapter 141, special laws 1909, amended.

Section 2. Said chapter one hundred and forty-one of the private and special laws of Maine for the year one thousand nine hundred and nine, is hereby amended so that as amended it shall read as follows:

Corporators.

Section 1. Elizabeth S. Haynes, Forrest H. Colby, Ira H. Randall, Fred T. Bradstreet, William J. Lanigan, Samuel W. Philbrick and Charles H. Clark, their associates, successors and assigns, are hereby incorporated under the name of the Parlin Stream Dam and Improvement Company, with all the powers and privileges of similar corporations.

—corporate name.

May maintain dams on Parlin stream, Bean brook and Lang stream.

Section 2. Said company is hereby authorized to erect and maintain dams on the Parlin stream in Parlin pond town, Misery gore, so-called, and Long pond town, and Bean brook and Lang stream in Parlin pond town, in the county of Somerset, but the dam 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 town, Misery gore, so-called, and Long pond town, 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

—location.

—side dams, piers and booms.

—may make improvements to facilitate the driving of logs.

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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 especial damages occasioned by such flowage.

—closing and opening of gates regulated.

Section 3. Said company for the above purposes may take all necessary lands and materials for building said dams 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 flowage 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.

May take necessary lands and materials, and flow contiguous lands.

—damages, how ascertained, if parties cannot agree.

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 of 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

Plans and specifications shall be submitted to county commissioners.

—appeals.

—final decree.

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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 on petition of the said county commissioners.

—repairs.

Tolls for logs and lumber.

'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 toll 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 and 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.

—Lien on logs and lumber.

Capital stock.

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

Readjustment of tolls.

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

First meeting, 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.

May restrain natural 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.

Property, rights and franchises.

'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 right shall be wholly excluded in the determination of the amount to be paid to said corporation by said state of Maine.

The fair value of the property, right 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 10, 1911.

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subject to be taken over by the state.

—value of property, how determined.

Chapter 85.

An Act to incorporate the New Sharon Water Company.

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

Section 1. O. B. Head, C. A. Thompson, W. W. Norcross, V. G. Day, R. Y. Swift, E. H. Smith, J. A. Morrill, L. F. Dolloff, and E. E. Richards, with their associates and successors, be and are hereby made a corporation under the name of the New Sharon Water Company, for the purpose of supplying the inhabitants of the town of New Sharon, with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires; and such corporation shall possess all the powers and privileges and be subject to all the liabilities and obligations imposed upon corporations by law, except as herein otherwise provided.

Corporators.

—corporate name.

—purposes.