

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

CHAP. 93

the purposes for which it is taken, signed by the aforesaid water commissioners, and after filing said plans and descriptions and purposes, may enter upon, take and hold the land and rights appurtenant thereto included in said descriptions for the purposes designated therein, and may use any portion of the land so taken and held in the erection of such ice houses or other structures as may be necessary for the purpose herein contemplated, the damages therefor to be assessed as hereinafter provided, and whenever said city of Lewiston, shall, under the provisions of this act, cut and take ice from any of the sources herein named, it shall file in the registry of deeds in said county of Androscoggin, a notice of said taking, describing the bounds and location of said land and a general description of the ice houses or other structures to be built thereon.

—damages.

—notice of taking shall be filed in registry of deeds.

Liability for damages.

Section 3. The city of Lewiston shall be liable for the damages sustained by any persons or corporations in their property by the taking of any land for the building of ice houses or other structures as aforesaid in carrying out the purpose of this act, and shall be liable for damages for any land taken under the provisions of this act.

—damages, how determined.

Should said city of Lewiston be unable to agree upon the price of said land or the damages to be paid by reason of taking and holding land as aforesaid, with any person or corporation claiming damages by reason of taking of said land under the provision of this act, any such person or corporation or said city of Lewiston may, within twelve months after the filing of said notices, plans and descriptions, apply to the commissioners of the county of Androscoggin, who shall cause such damages to be assessed in the same manner and under the same restrictions, conditions, limitations and rights of appeal, as are by law prescribed in the case of damages for the laying out of highways, so far as such law is consistent with the provisions of this act.

Approved March 11, 1911.

Chapter 93.

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

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

Corporators.

Section 1. Elizabeth S. Haynes, Ira H. Randall, William J. Lanigan and Forrest H. Colby, their associates, successors and assigns, are hereby incorporated under the name of the Cold Stream Dam and Improvement Company, with all the powers and privileges of similar corporations.

—corporate name.

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Section 2. Said company is hereby authorized to erect and maintain dams on Cold stream in township two, range seven, known as Misery town; township three, range seven, known as Parlin pond town; township two, range six, known as upper Cold stream and Johnson mountain town; and township one, range five, known as lower Cold stream town; all in Bingham's Kennebec purchase, west Kennebec river, Somerset county; and to erect and maintain necessary side dams, piers and booms therein, and otherwise improve said Cold stream by removing rocks and trees, excavating ledges therefrom, and widening and deepening and otherwise improving the same, for the purpose of raising a head of water for making said brook and its tributaries floatable and of facilitating the driving of logs, pulp wood and other lumber upon the same.

May maintain dams.

—side dams, piers and booms.

—may improve stream.

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 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.

May take lands and materials.

—may flow lands.

—damages, how determined.

Section 4. 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 said cold stream above the upper dam, so-called, fifty cents per thousand feet. For all logs, pulp wood and other lumber landed between the upper dam and the middle dam, so-called, thirty cents per thousand feet. For all logs, pulp wood and other lumber landed below the middle dam and above the lower dam, so-called, fifteen cents per thousand feet, and below the lower dam, ten 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 all logs, pulp wood and other lumber which may pass over and through any of its dams or improvements until the full amount

Tolls.

—shall have lien on logs, etc., passing dams.

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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.

Capital stock. Section 5. The capital stock of this corporation shall be fifteen thousand dollars.

Reduction of tolls, to provide for. Section 6. 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 accounts and determine the cost of said dam, improvements and repairs.

First meeting, how called. Section 7. 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.

Shall impound water only for log-driving. Section 8. 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, and not to hold water back to the injury of those driving logs below said middle dam. No dam authorized by this act shall be used for power purposes.

Property and franchises may be taken over by state of Maine. Section 9. 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 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. CHAP. 94

Approved March 11, 1911.

Chapter 94.

An Act to amend Section seventeen of Chapter three hundred and fifty-two of the Private and Special Laws of nineteen hundred and five, relating to salary of Judge of Municipal Court of Caribou.

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

Section seventeen of chapter three hundred and fifty-two of the private and special laws of nineteen hundred and five is hereby amended by striking out in the second line of said section the words "five hundred" and inserting in its stead the words 'eight hundred', so that said section as amended shall read as follows:

Section 17,
chapter 352
special laws
1905, amend-
ed.

'Section 17. The judge of said municipal court shall receive as compensation a salary of eight hundred dollars a year to be paid quarterly from the treasury of the county of Aroostook. A condition preceding the payment of said salary as aforesaid, shall be the rendering by said judge of a correct statement to the county commissioners and the payment over by said judge to the county treasurer, of all fees both civil and criminal collected by said municipal court for the preceding quarter or fractional part thereof. All costs in criminal cases shall be taxed the same, and paid into court in the same manner as in trial justice courts, except that every warrant issued by said judge shall be taxed at one dollar.'

Salary of
judge.

—shall pay
over all fees.

—costs, how
taxed.

Approved March 11, 1911.

Chapter 95.

An Act to amend Chapter four hundred and seven of the Private and Special Laws of nineteen hundred and three, as amended, relating to Ice Fishing in Eagle Lake, in the Town of Eden, County of Hancock.

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

Section 1. So much of chapter four hundred and seven of the private and special laws of nineteen hundred and three as amended as prohibits fishing through the ice in accordance with the general law of the state, on Friday and Saturday of each week in Eagle lake, so-called, in the town of Eden, county of Hancock, is hereby repealed.

A part of
chapter 407,
special laws
of 1903, as
amended, re-
pealed.