

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

1913

Including Acts and Resolves of the Special Session held
in 1912.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1913

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth
Legislature

1913

such by-laws, not inconsistent with law, as they deem necessary for the government and regulation of the affairs of the corporation. All officers shall be sworn to the faithful discharge of their respective duties.

Section 7. This act shall take effect when accepted by a majority vote of the legal voters within said district, at a meeting to be specially called and held for the purpose, on or before the first day of August, in the year nineteen hundred and thirteen and the mayor and aldermen of the city of Rockland are hereby authorized to call said meeting, and the board of registration of said city will make and provide separate check lists for each ward of the legal voters of said city. Such special election shall be called, advertised and conducted according to the law relating to municipal elections, provided however, that the board of registration shall not be required to prepare, or the city clerk to post, a new list of voters. The city clerk shall reduce the subject matter of this act to the following question :

“Shall the act to incorporate the Rockland Public Utilities District be accepted?” And the voters shall indicate by a cross placed against the words “Yes” and “No,” their opinion of the same. The result will be canvassed and declared by the municipal officers of the city of Rockland, and due certificates thereof filed by the city clerk with the secretary of state.

This act shall take effect when approved by the governor so far as it is necessary to empower the calling and holding of such election.

Approved March 13, 1913.

CHAP. 91

—officers shall be sworn.

This act shall take effect when accepted by a majority vote of voters.

—mayor and aldermen may call meeting.

Form of question to be submitted.

Election may be called after approval of this act by the governor.

Chapter 91.

An Act to Incorporate the Pleasant River Gulf Improvement Company.

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

Section 1. Moses L. Jordan, Henry Prentiss, Hosea B. Buck, and Frank C. Hinkley, their associates, successors and assigns, are hereby incorporated under the name of the Pleasant River Gulf 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 west branch of the Pleasant river in Piscataquis county as follows : One at or near the foot of Second lake, one at or near the foot of First lake, one at or near the foot of Big Lyford pond and one above the Gulf, so called, of said West Branch of the Pleasant river, and any other dams that may be necessary on said West Branch of Pleasant river,

May erect and maintain dams on west branch of Pleasant river.

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—may erect and maintain side dams, etc.
—may improve channel.

May take lands.

—may flow contiguous lands.
—damages for land taken, how ascertained.

—damages for flowage, how ascertained.

Company may receive tolls.

—rates of toll.

—company shall have lien on logs and lumber passing over its dams, etc.

or on the branches thereof, said waters being in the county of Piscataquis, and may also erect and maintain all necessary side dams, piers and booms therein, and otherwise improve the same 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 river and its branches floatable, and of facilitating the driving of logs and lumber upon the same.

Section 3. Said company for the above purposes may take all necessary lands and materials for the building of said dams and making such 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 Piscataquis, 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 ascertained shall be paid by said company, and the damages arising from the flowing of lands may be recovered in accordance with the provisions of the statutes for recovering damages for flowing land occasioned by raising a head of water for the working of mills.

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 or lumber, pulpwood or railroad ties passing over any or all of the above dams, or landed above the foot of the Gulf, and driven to Silver lake, a toll of twenty-five cents per thousand feet board measure, wood's scale, on all logs; twelve and one-half cents per cord on all four-foot pulpwood and twenty-five cents per thousand on all railroad ties reckoned at eighty ties to a thousand, if the same have not been scaled. For all logs and lumber landed below the foot of the Gulf, and driven to Silver lake, a toll of five cents per thousand feet board measure, wood's scale; and for all four-foot pulpwood and railroad ties so landed below and driven as aforesaid, two and one-half cents per cord for pulpwood and ten cents per thousand for ties, reckoned as above. 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, or be landed and driven as above set forth, until the full amount of said toll is paid, to be enforced by attachment, but the logs of each mark shall be holden only for the unpaid toll of such mark and the wood and ties shall only be holden to pay the toll of such wood or ties.

Section 5. Said company may issue its capital stock to an amount not exceeding ten thousand dollars. CHAP. 91

Section 6. When said corporation shall have received from 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 dams, improvements and repairs. Capital stock.
When tolls shall be reduced.

—an auditor shall audit accounts.

Section 7. The first meeting of said corporation shall be called by a notice signed by one of the incorporators named in section one and mailed to each of the other incorporators at least seven days before the day of such meeting. Any incorporator may act at such meeting through power of attorney. First meeting, how called.

Section 8. 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. Shall restrain flow of water only for log driving purposes.
—no dam shall be used for power purposes.

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 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. Property, rights and franchises may be taken over by state.

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. Value of property, etc., how determined.

Approved March 13, 1913.