

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

CHAP. 194

—form of question to be submitted.

Legal voters of Southwest Harbor Water District to accept or reject this act.

—form of question to be submitted.

Certain sections of this act inoperative unless franchises of water company are acquired.

Elections authorized in section 16, when they may be held.

shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of this act to the following questions: 'Shall the act to incorporate the Southwest Harbor Water District be accepted?' and the voters shall indicate by the words 'Yes' or 'No' their opinion of the same. The result in said town of Southwest Harbor shall be declared by the selectmen and due certificate thereof filed by the town clerk with the secretary of state.

Section 17. This act subject to the provision of section sixteen, shall take effect when approved by a majority vote of the legal voters of said Southwest Harbor Water District voting at an election to be specially called and held for the purpose on the second Monday of July, nineteen hundred and thirteen, such special election shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of this act to the following question: 'Shall the act to incorporate the Southwest Harbor Water District be accepted?' and the voters shall indicate by the words 'Yes' or 'No' their opinion of the same. The result shall be declared by the selectmen and due certificate filed by the town clerk with the secretary of state.

Section 18. Sections two, three, four, five, six, seven and eight shall be inoperative, null and void unless the said water district shall first acquire by purchase or by the exercise of the right of eminent domain, as in this act provided, the plant, properties and franchises, rights and privileges of the Southwest Harbor Water Company.

Section 19. This act shall take effect in ninety days after the final adjournment of the legislature, so far as necessary to empower the calling and holding of the elections authorized in section sixteen herein provided for.

Approved March 27, 1913.

Chapter 194.

An Act to Incorporate the Sandy Stream Log Driving Company.

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

Corporators.

—corporate name.

Company may maintain dams, etc.

Section 1. John P. Elton, Adelbert P. Hine, George P. Goodwin, George D. Pastorius, Napoleon J. Grenier, and their associates, successors, and assigns are hereby incorporated under the name of the Sandy Stream Log Driving Company.

Section 2. Said company is hereby authorized and empowered to locate, erect and maintain dams, side dams, bunters, piers, booms, rack booms, and shore holds or fastenings, on Sandy stream in Lexington and Highland plantations, in Somerset

county, and on its tributaries in said plantations, and on Gilman pond in said Lexington plantation and in New Portland, in said Somerset county, and on Gilman stream, in said New Portland, and on the tributaries of said Gillman pond and Gilman stream, and to remove rocks, widen, deepen, and otherwise improve said streams and pond, and their tributaries in order to facilitate the driving of logs, pulp wood, and other lumber down said streams and across said pond, and for the further purpose of holding wood pulp and logs and other lumber that may come within the same, without unreasonable or unnecessary delay, said dams and booms of all kinds to be so constructed as to provide prompt and convenient passage.

Section 3. Said company, for the purposes aforesaid, may take necessary lands and materials for building such dams, side dams, bunters, piers, booms, rack booms, and shore holds or fastenings, and for making such improvements, and may flow contiguous lands so far as necessary to raise a suitable head of water, and may attach their booms, dams, and said other improvements or fixtures to land adjacent to said streams and pond and their tributaries, and may, with their agents, servants, and teams, pass and re-pass over and along their shores, and to and from the same, over the lands of other persons for the purposes aforesaid, making compensation therefor as provided in case of damages for lands taken in laying out highways; and for the damages arising from flowing of lands, said company shall not be liable in an action at law, but the person injured shall have a remedy by complaint for flowage, in which the same proceedings shall be had as when a complaint is made under the statutes of Maine providing for the recovery of damages for flowing lands occasioned by a mill dam.

Section 4. Said company may demand and receive a toll for the passage of logs, pulp wood, and other lumber over and through the dams and other of said improvements on said streams, pond, and their tributaries of twenty-five cents per cord for each cord of pulp wood, and fifty cents per thousand feet for logs and other lumber above the north line of Lexington plantation; ten cents per cord for each cord of pulp wood, and twenty-five cents per thousand feet for logs and other lumber entered between the north line of Lexington plantation and Gilman pond; and five cents per cord for each cord of pulp wood and ten cents per thousand feet for logs and other lumber from Gilman pond down, including Gilman pond, at the same scale adopted by the Kennebec Log Driving Company. Said company shall have a lien on all logs, pulp wood, and other lumber that may pass over or through said dams and other improvements

CHAP. 194

—may remove rocks and improve streams.

May take lands for dams, etc.

—may flow contiguous lands.

—damages, how compensated.

Company may demand toll for passage of logs, etc.

—toll rates.

—shall have lien on logs, etc.

CHAP. 195

—unless tolls are paid within 20 days company may sell logs.

—lien shall have precedence over other claims.

—exception.

When tolls shall be reduced.

Improvements of Newcastle Lumber Co. shall be included in costs.

Capital stock.

Improvements shall not be used for power purposes.

for the payment of said tolls, but the logs, pulp wood, and other lumber of each particular mark shall be held only for the tolls of such mark. Unless such tolls are paid within twenty days after said logs, pulp wood and other lumber, or the major part of them, shall have arrived in the Carrabassett river, said company may seize said logs, pulp wood, and other lumber, and sell at public auction so many, or so much thereof as shall be necessary to pay said tolls, cost, and charges, notice of the time and place of sale to be published three successive weeks in some newspaper printed in Somerset county, the last publication to be at least ten days before the day of sale. The lien hereby created shall have precedence over all other claims, mortgages, or liens (except for stumpage on logs cut on state lands and previous statutory liens for labor), but shall not deprive said company of any other legal remedy it may have to collect its tolls.

Section 5. When said company shall have received from tolls their outlays on dams, booms, and other improvements and repairs made up to that time and six per cent interest thereon, then the tolls shall be reduced to a sum sufficient to keep the works in repair. The county commissioners of Somerset county shall audit the accounts of said company for the aforesaid purposes, to determine the cost of dams, booms and other improvements and repairs.

Section 6. The present actual value of dams, booms, and other improvements already erected upon said streams, pond, and their tributaries by the Newcastle Lumber Company during and since the year nineteen hundred nine, shall be included in the costs of improvements designated in this act.

Section 7. Said company may issue its capital stock to an amount not exceeding fifty thousand dollars, to be divided into shares of one hundred dollars each.

Section 8. Provided, however, that such dams and other improvements shall not be used for power purposes.

Approved March 31, 1913.

Chapter 195.

An Act to Authorize the Bangor Railway and Electric Company to Take Water from Chemo Lake and its Tributaries.

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

Section 1. The Bangor Railway and Electric Company, a corporation organized under the general laws of the State of Maine, and having its principal place of business in Bangor, in the county of Penobscot, is hereby authorized and empowered

Bangor Railway and Electric Company authorized to take water from Chemo lake.