

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eightieth
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person shall use seines or nets of any description to catch smelts in the Piscataqua River or its tributaries; provided, however, that nothing in this act shall forbid any one from maintaining a weir to catch smelts for his own personal use.

Approved March 10, 1921.

Chapter 34.

An Act for the Better Protection of Clams within the Limits of the Town of Brunswick.

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

Sec. 1. Clams not to be taken in Brunswick without permit, except for personal consumption. No clams shall be taken from any flats within the limits of the town of Brunswick in Cumberland County, except by such written permit as the municipal officers of said town of Brunswick may issue, and upon payment to the said town of such price for the privilege as the said municipal officers may establish, any existing laws to the contrary notwithstanding; provided, that without such permit, any inhabitant within said town, or any person temporarily resident therein, or the riparian owner of any such flats, may take therefrom for the immediate use of himself or his family, not exceeding one bushel of clams at one tide.

Sec. 2. Penalty for violation. Any person taking shell fish contrary to the provisions of this act, shall be punished for each offense by a fine not exceeding ten dollars or by imprisonment not exceeding thirty days, or by both.

Approved March 12, 1921.

Chapter 35.

An Act to Authorize the American Realty Company to Construct and Maintain a Dam across the St. John River in Township Nine, Range Eighteen, W. E. L. S., Somerset County, Maine, and to Locate, Erect and Maintain Piers and Booms in said River above said Dam.

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

Sec. 1. American Realty Company authorized to construct dam across St. John River in Township No. 9; location, specifications and provisions. The American Realty Company, its successors and assigns, are hereby authorized and empowered to construct and maintain a dam on its own land across the St. John River in T. 9, R. 18, W. E. L. S., Somerset County, Maine, about one-third of a mile below the mouth of Carter Brook on and over the head of an island, for the purposes of improving the navigation of said river, and to facilitate the driving, collecting, holding, and sorting of logs, pulpwood and other lumber coming

CHAP. 35

down said river, and said company, its successors and assigns, are hereby further authorized and empowered to locate, erect and maintain, in said river between said dam and a line across said river three miles above, piers and booms for the purpose of driving, collecting, holding and sorting of logs, pulpwood and other lumber. Said piers and booms shall be so constructed as to provide for the prompt and convenient passage of all logs, pulpwood and other lumber that may come within the same, without unreasonable or unnecessary delay, and they shall be so constructed and maintained and used that logs and lumber running down said river belonging to other parties and not destined for use and manufacture at the mills of said company, its successors and assigns, shall not be unreasonably impeded or delayed, and such logs and lumber of other parties when stopped for sorting shall be turned by as soon as they can be practically sorted out and separated from the logs and lumber destined for use in manufacture at said mills. Any stray logs, pulpwood or other lumber not destined for use and manufacture at the mills of said American Realty Company, its successors or assigns, if found in the storage booms of said company, shall be turned out therefrom by said company at its own charge and expense upon demand in writing of the owners thereof. Said dam shall be a rolling or overflow dam and be so constructed, maintained and used as not to interfere injuriously with the floating of logs and lumber over the same nor raise the water more than five feet above the level of the stream in its natural state.

Sec. 2. May sort out its own logs and lumber coming down river; in case company has not sufficient help, person in charge of an approaching drive may assist at expense of company. Said American Realty Company, its successors and assigns, by aid of such piers and booms, are hereby authorized and empowered to separate and sort out from the logs and other lumber coming down said river, all logs and other lumber destined and intended for use and manufacture at the mills of said company; provided, however, if upon the approach of the rear of any drive of logs to the booms of said company herein authorized to be constructed and maintained, it shall appear to the person in charge of such drive that said company has not sufficient men to sort and turn by the logs or other lumber arriving at said booms, so that such drive may be unreasonably impeded, or delayed, such person, upon notice in writing to said company left at its office, shall have the right to put men of his own selection upon said booms, to expedite the sorting and turning by of the logs and other lumber in such drive, who shall be paid by said American Realty Company.

Sec. 3. Adjustment of flowage damages. If the parties cannot agree upon the damages for flowage caused by said dam, such damages

shall be recovered in accordance with the provisions of chapter ninety-seven of the revised statutes, known as the "Mill Act."

Sec. 4. State may take over properties and franchise. The State of Maine reserves the right to acquire by proper legislation and through such agencies as it may establish for the purpose the whole or any portion of the rights and franchises hereby granted and the whole or any portion of the structures erected by authority of this act, upon payment of just compensation to the owners thereof; but such just compensation shall not include the value of the franchises granted by this act.

Approved March 12, 1921.

Chapter 36.

An Act to Amend Section Three of Chapter Two Hundred and Fourteen of the Private and Special Laws of Eighteen Hundred and Eighty-three, Entitled, "An Act to Incorporate the Penobscot River Dam and Improvement Company", as Amended by Chapter Four Hundred and Eighty-two of the Private and Special Laws of Eighteen Hundred and Eighty-nine, and by Chapter Six Hundred and Twenty of the Private and Special Laws of Eighteen Hundred and Ninety-three and by Chapter Five Hundred and Fifty-three of the Private and Special Laws of Eighteen Hundred and Ninety-seven.

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

P. & S. L., 1883, c. 214, § 3, as amended; relating to tolls that may be charged by the Penobscot River Dam and Improvement Company, for the passage of logs and lumber over its dams in Penobscot River above Greenbush, amended. Section three of chapter two hundred fourteen of the private and special laws of eighteen hundred eighty-three, entitled, "An Act to Incorporate the Penobscot River Dam and Improvement Company", as amended, is hereby further amended by striking out the word "three" in the fourth line and inserting in place thereof the words 'four and one-half' and by striking out the words "two and one-half" in the sixth and seventh lines and inserting in place thereof the words 'three and three-fourths' and by striking out the words "one cent" in the tenth line and inserting in place thereof the words 'one and one-half cents' and by striking out the words "three-fourths of one cent" in the fourteenth line and inserting in place thereof the words 'one and one-eighth cents' and by striking out the word "two" in the twenty-first line and inserting in place thereof the word 'three'; and by striking out all of said section after the word "mark" in the twenty-fourth line and inserting in place thereof the following: 'which said lien shall continue until paid and may be enforced in the manner provided by law for the enforcement of liens on logs and lumber,' so that said section, as amended, shall read as follows:

'Sec. 3. Tolls increased; lien to continue in force until paid and may be enforced. The said corporation may demand and receive a