

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Eighty-First
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file in the registry of deeds for Oxford county a description of the lands so taken and the course of said drain or sewers. All damages occasioned by reason of any such taking shall be determined by said corporation assessors, by first giving not less than seven days written notice in hand, or leaving the same at the last and usual place of abode of the owner, tenant, lessee or agent, or by publishing a like notice in one or more of the village papers, designating the time and place of hearing, the last publication of which shall not be less than seven days prior to the time of hearing. The corporation assessors shall, within five days after such hearing, file their return with the corporation clerk, stating the amount of damages allowed for each parcel or lot of land so crossed. Any person not satisfied with the amount of his award, shall have the right to appeal to the supreme judicial court in which the same proceedings shall be had as in case of appeal from the decision of county commissioners in case of damages for lands taken for highways.

Sec. 10. Owners of lots not included in original assessment may obtain permits to connect with sewer. If at any time prior to the final payment of the last installment of said assessment, the owners of any lots or parcels of land not included in the original determination of the assessors as provided in section one of this act shall desire to connect with said sewer, and shall obtain a permit therefor as provided in section three, said lots or parcels of land may thereafter be included in the annual assessment as if they had been originally included in the lots or parcels determined to be benefited, and shall be subject to the same tax and same annual lien until the debt for said sewerage system is fully paid.

Sec. 11. Local referendum provided for. Said village corporation shall not proceed under this act until after it shall have been accepted by a majority vote of the voters present at a meeting called for that purpose.

Approved March 27, 1923.

Chapter 81.

An Act to Incorporate the Fall Brook Improvement Company.

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

Sec. 1. Corporators; name. Forrest H. Colby, Joseph A. Warren, Walter B. Nye, Herbert W. Mason, and Samuel D. Warren, their associates and assigns, are hereby incorporated under the name of Fall Brook Improvement Company, with all the powers and privileges of similar corporations.

Sec. 2. Authorized to build and maintain dams, piers and booms, etc.; may take lands; has flowage rights; damages, how assessed. Said corporation is authorized to build dams, side dams, piers and booms, and to main-

tain the same, on Fall brook and its tributaries in the towns of Solon, Bingham and Brighton in the county of Somerset; to remove rocks and trees and to excavate ledges therefrom; and to widen, deepen and otherwise improve the same for the purpose of raising a head of water and of making said brook and its tributaries floatable to facilitate the driving of logs, pulp wood, and other lumber on the same.

Said corporation for the above purposes may take all necessary land and materials for building said dams and piers and making such improvements; may flow contiguous lands so far as necessary to raise suitable heads of water; may attach their booms and piers to land adjacent to said brook; and may with their agents, servants and teams pass and repass over and along said brook and adjacent land, and to and from the same over the land of other persons for the purposes aforesaid and for managing said dams, piers and booms.

If the parties cannot agree on the damages, said corporation shall pay the proprietors for the land and materials so taken and the damage so done; the amount to be ascertained and determined 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 by laying out of highways; and for the damage done by flowing land, said corporation and its assigns shall not be liable to an action at common law, but the person injured may have remedy by complaint for flowage, when the same proceedings shall be had as when a complaint is made under the statutes of this state for flowing lands by raising a head of water for the working of mills.

Sec. 3. Rates of tolls established; lien for tolls created. Said corporation may demand and receive a toll for the passage of logs, pulp wood and other lumber over their improvements of fifty cents per thousand feet for logs and lumber and twenty-five cents per cord for pulp wood; and shall have a lien thereon for the payment of said toll with all costs and charges, but the logs, wood and lumber of each owner shall only be holden for the amount due from him. Unless said toll is paid within twenty days after said logs, pulp wood or other lumber, or the major part thereof, passes the south line of the town of Bingham, said lien may be enforced by attachment and suit to be begun within ninety days after the same shall have passed the south line of said Bingham.

Sec. 4. Rights of existing dams and mills in Solon not affected. This act does not authorize said corporation or its assigns to interfere with the riparian rights of the existing dams and mills on said brook in the town of Solon.

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Sec. 5. Rights of storage and regulation of flow, for log driving purposes only; dams not to be used for power. 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. No dam built by said corporation under this act shall be used by it for power purposes.

Sec. 6. Right to take over franchises and property reserved to state. The state of Maine reserves the right to take over by proper legislation, the property, rights and franchises of said company upon the payment of just compensation to the owners thereof, but such compensation shall not include the value of the franchises hereby granted.

Sec. 7. Rights under this charter subject to acquisition of franchises of Solon Lumber Co. Said corporation shall not exercise any of the powers or privileges by this act conferred upon it unless and until it shall have acquired by purchase or otherwise all the rights, privileges and franchises granted to Solon Lumber Company and its assigns by chapter forty of the private and special laws of nineteen hundred and eleven, as amended by chapter twenty of the private and special laws of nineteen hundred and twenty-one, and the property and improvements acquired, owned and made under and for the purposes thereof, which rights, privileges and franchises, property and improvements, it is hereby authorized to acquire, by purchase or otherwise, and said Solon Lumber Company and its assigns are authorized to convey, and said corporation shall, except as the same are by this act modified or changed, after such acquisition exercise all such rights, privileges and franchises and use and control said property and improvements as if the same were originally granted to the corporation created by this act.

Approved March 28, 1923.

Chapter 82.

An Act Authorizing the City of Portland to Construct a Fire Station upon Public Grounds.

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

City authorized to construct fire station on Lincoln park. The city of Portland is hereby authorized and empowered, to construct a building for a fire station and such additions thereto as may hereafter be deemed necessary by the city council of said city to be used for public purposes, upon Lincoln Park Extension, so called, being the lot of land in said city bounded by Pearl, Market, Federal and Congress streets, provided the construction of such building is deemed necessary by the city council of the city of Portland, and provided the erection of such fire station shall be