

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty - Third Legislature

OF THE

STATE OF MAINE

1927

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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 Eighty-Third Legislature

1927

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**CHAP. 116**

within said Howland Sewerage and Water District as are then legal voters of said town and all warrants issued to said voters shall be varied accordingly to show that only such voters therein are entitled to vote thereon. Such special meeting 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 town clerk to post a new list of voters, and for this purpose said board shall be in session the three secular days next preceding such election, the first two days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said session. The town clerk shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Howland Sewerage and Water District be accepted?" and the voters shall indicate by a cross placed against the words "yes" or "no" their opinion of the same. The result shall be declared by the selectmen of Howland and due certificate thereof filed by the town clerk with the secretary of state.

**Sec. 8. Effective date.** 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 election authorized by section seven as herein provided for.

**Sec. 9. Existing statutes not affected; subject to provisions of R. S., c. 55.** Nothing herein contained is intended to repeal or shall be construed as repealing the whole or any part of any existing statute, and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of chapter fifty-five of the revised statutes, and acts amendatory thereof or additional thereto.

Approved April 12, 1927.

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## Chapter 116.

An Act to Incorporate the Marshall Dam and Improvement Company.

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

**Sec. 1. Corporators; corporate name.** D. M. Marshall, G. D. Marshall, E. M. Spinney, R. M. Sterling and E. L. Sterling, their associates, successors and assigns, are hereby incorporated under the name of The Marshall Dam and Improvement Company, with all the powers and privileges of similar corporations.

**Sec. 2. Authorized to build dams, piers, etc.; right of eminent domain**

**conferred.** Said company is hereby authorized to build dams, side dams, piers and booms, and to maintain same, on Fahi brook and its tributaries in the towns of Anson and Embden 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 company and its assigns 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.

**Sec. 3. Assessment of damages; procedure.** If the parties cannot agree on the damages, said company and its assigns 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 company 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. 4. Authorized to receive tolls; rates; lien for tolls.** Said company and its assigns may demand and receive a toll for the passage of logs, pulp wood and other lumber over their improvements of thirty cents per thousand feet for logs and lumber and fifteen 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 Embden, 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 Embden.

**Sec. 5. Existing rights in Anson not affected.** This act does not authorize said company or its assigns to interfere with the riparian rights of the existing dams and mills on said brook in the town of Anson.

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**Sec. 6. Water storage limited to log-driving purposes; power purposes prohibited.** Said company 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 authorized by this act shall be used for power purposes.

**Sec. 7. Property may be taken over by state; assessment of value.** All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said company, 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 interest 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 company the fair value of all the same, excepting, however, such franchises and rights as are conferred upon said company 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 company by said state of Maine.

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 company 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.

Approved April 12, 1927.

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## Chapter 117.

An Act to Amend Chapter One Hundred and Twenty of the Private and Special Laws of Eighteen Hundred and Ninety-nine, Establishing the Livermore Falls Municipal Court, as Amended by Chapter Thirty-four of the Private and Special Laws of Nineteen Hundred and Nineteen.

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

P. & S. L., 1899, c. 120, sec. 2; as amended; relating to jurisdiction of Livermore Falls municipal court, further amended. Chapter one hundred and twenty of the private and special laws of eighteen hundred and ninety-nine, section two, relating to jurisdiction of Livermore Falls municipal