

MAINE STATE LEGISLATURE

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Sixty - Second Legislature.

HOUSE.

No. 25.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to amend chapter two hundred seventy-nine of the special laws of eighteen hundred and eighty-three, entitled "an act to amend and make valid the organization of the Bodwell Water Power Company, and for other purposes."

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECTION 1. That section nine of chapter two hundred and seventy-nine of the special laws of eighteen hundred and eighty-three, approved February twenty-eight, A. D. eighteen hundred and eighty-three, be and the same is hereby amended by inserting after the word "taking," in the second line of said section, the words "otherwise than by

8 purchase,' so that, as amended, said section shall
9 read as follows:

'SECT. 9. All damages sustained by any per-
2 sons in their property by taking, otherwise than by
3 purchase, any land for pipes, aqueducts, locks or
4 other structures, shall be determined and assessed
5 in the manner provided by section three of this
6 act.'

SECT. 2. That section twelve of said act be and
2 is hereby amended by inserting after the word
3 "public," in the ninth line of said section, the
4 words 'as fully as said river in its natural condi-
5 tion would accommodate such running of logs and
6 rafts,' and by inserting after the word "lumber," in
7 the thirty-third line of said section, the words
8 'whenever the passage of logs and lumber would
9 be practicable in said branch in its natural condi-
10 tion,' and by inserting after the word "person," in
11 the forty-ninth line of said section, the words 'by
12 reason of said dam at the Oldtown falls across
13 Penobscot river or,' so that, as amended, said sec-
14 tion shall read as follows:

'SECT. 12. Said corporation is hereby authorized
2 and empowered to erect and maintain a dam at the
3 Oldtown falls across Penobscot river, between Old-
4 town and Milford, sufficient to level up said falls

5 to the highest point of Johnson's rock in said falls;
6 *provided*, that a sluice shall be constructed and
7 maintained through said dam and falls at some
8 place between Oldtown and Milford of sufficient
9 capacity and size to accommodate the running of
10 logs and rafts over said falls by the public, as fully
11 as said river in its natural condition would accom-
12 modate such running of logs and rafts; said
13 sluice is to be constructed and maintained to the
14 satisfaction of a committee to be appointed by any
15 justice of the supreme judicial court of this state,
16 who shall make report to said court, and said court
17 may accept or reject or modify said report after
18 notice, and upon hearing of parties interested, and
19 said court shall, upon petition of any party inter-
20 ested, upon reasonable notice and hearing, at any
21 time, determine what changes shall be made in said
22 sluice or dam, and have the right to determine all
23 questions of costs, and power is hereby specially
24 conferred upon said court for this purpose. And
25 said corporation shall also have the right to con-
26 struct and maintain a dam across the Stillwater
27 branch of Penobscot river, and take and occupy
28 land therefor, damages therefor to be assessed as
29 provided in section three of this act, between the
30 head of the island, below Pushaw bridge, and the

31 southerly end of Orono island, of a sufficient
32 height to hold the reserve of water caused by the
33 leveling up of the falls authorized in this act, and
34 to prevent said reservoir excess from flowing down
35 said Stillwater branch ; but said dam shall not be
36 constructed any higher than sufficient to hold said
37 reserve, nor in any manner or degree to interfere
38 with or prevent the natural flow of water down
39 said Stillwater branch of Penobscot river ; *pro-*
40 *vided* said corporation shall construct and maintain
41 a suitable sluice-way in said dam on said Stillwater
42 branch, for the passage of logs and lumber, when-
43 ever the passage of logs and lumber would be
44 practicable in said branch in its natural condition ;
45 *also provided* that said corporation shall, before
46 constructing said dams, ascertain, under the super-
47 vision and direction of some competent hydraulic
48 engineer, to be appointed by the supreme judicial
49 court for Penobscot county, the exact amount of
50 water passing down said Stillwater branch from
51 the main Penobscot river, at different stages of
52 water during summer drouth, while both Oldtown
53 falls and said Stillwater branch are in their natural
54 flow and condition, and if the dam and sluice so
55 constructed do not accomplish the purpose of this
56 act, then any justice of said court, at any time,

57 from time to time, on the application of either
58 party, and a hearing of the parties interested, shall
59 regulate the height of said dam, and the location
60 and dimensions of said sluice, and his decision
61 shall be final, with power to award and apportion
62 the costs and expenses of said hearing in such
63 manner as he may determine; *and provided*
64 *further*, that all damages sustained by any person
65 by reason of said dam, at the Oldtown falls, across
66 Penobscot river, or by reason of said dam on said
67 Stillwater branch, may be determined by any
68 justice of said court, upon the petition of the
69 party claiming damages, after notice and hearing
70 of the parties interested, said court having power
71 to apportion and award costs as it may see fit, and
72 power is hereby specially conferred upon said
73 court for this purpose.'

SECT. 3. That section thirteen of said act be
2 and is hereby amended by striking out in the
3 eighth line of said section, the words "may be
4 necessary" and inserting in place thereof the words
5 'shall be practically sufficient,' and by inserting
6 after the word "same," in the ninth line of said sec-
7 tion the words 'and may be necessary for such
8 purposes,' so that as amended said section shall
9 read as follows:

‘SECT. 13. The proceedings in the organization
2 of said corporation are hereby confirmed and made
3 valid. The said corporation shall not draw water
4 through its canal or canals, mills or dams, so that
5 the natural flow of the water of the Penobscot
6 river over Old Town Falls and below, or through
7 any sluice erected and maintained under this act,
8 shall be interrupted, when said natural flow of
9 water over said falls shall be practically sufficient
10 to float logs, rafts and lumber over said falls, or
11 through said sluice and below the same, and may
12 be necessary for such purposes, *provided* always,
13 that said corporation, its successors and assigns,
14 shall never use its rights and powers for manufac-
15 turing purposes or otherwise, which shall tend in
16 any manner to affect the rights and powers of the
17 city of Bangor to pure water for domestic and
18 sanitary purposes under chapter two hundred and
19 fifty-nine of the laws of eighteen hundred and
20 seventy-six, entitled “An act to amend an act, ap-
21 proved February twenty-two, eighteen hundred
22 and seventy-five, for supplying the city of Bangor
23 with water.’”

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 24, 1885. }

Reported from Committee on Interior Waters by Mr. GILBERT, and
upon his motion ordered printed and re-committed.

NICHOLAS FESSENDEN, *Clerk.*