

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 150

S. P. 191

In Senate, Jan. 28, 1931.

Referred to Committee on Interior Waters and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Southard of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTY-ONE

AN ACT to Provide for Building a Dam across Dead River,
to Be Known as Androscoggin Lake Dam.

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

Section 1. Directors of Androscoggin Lake Dam. The governor, with the advice and consent of the council, shall appoint two persons, both resident of the county of Kennebec, and two persons, both resident of the county of Androscoggin, who, with the commissioner of inland fisheries and game, shall constitute a board to be known as the Directors of Androscoggin Lake Dam, hereinafter called the directors. The term of office of the four directors so appointed shall cease whenever said dam shall be completed ready for use. The commissioner of inland fisheries and game shall hold the office of director by virtue of his office as commissioner. The four directors appointed by the governor shall serve without pay, but their necessary expenses shall be paid by the state.

Sect. 2. Directors shall locate dam; make necessary plans; authority to appoint and employ engineers. The directors shall locate said dam at some convenient point in the town of Leeds in the county of Androscoggin on and across Dead River. The cost of such dam shall not exceed ten thousand dollars.

Said dam shall be so constructed as to prevent ingress of the waters of the Androscoggin River into Androscoggin Lake. It shall not prevent the normal egress of the waters of Androscoggin Lake into the Androscoggin River and shall not cause any flowage, beyond the normal seasonal flowage, of lands adjacent to said Dead River and to Androscoggin Lake.

The directors shall have authority to appoint and employ such engineers, agents, assistants and other employees as they deem necessary, and with the advice and consent of the governor and council, to make and let a contract or contracts for the construction of said dam and to do any other act necessary for the construction of said dam. After the completion of said dam all maintenance, upkeep, repairs and operation thereof shall be in charge of and paid by the department of inland fisheries and game.

Before completing the plans or location, the directors shall thoroughly inform themselves as to the present requirements of such dam and as to its future requirements, if any.

Sect. 3. Apportionment of cost of dam. The cost of construction of the dam built under the provisions of this act shall be divided as follows:

Twenty per cent by the state; eighteen per cent by the county of Kennebec; twelve per cent by the county of Androscoggin; thirty per cent by the town of Wayne in the county of Kennebec; twenty per cent by the town of Leeds in the county of Androscoggin. Such sums, except that apportioned to the state, shall be paid by the treasurers of the respective counties and towns to the treasurer of the state, whenever the cost of constructing said dam shall have been determined by the directors, and the aggregate sum, including that apportioned to the state, shall be expended by the treasurer of the state under the authority and direction of the directors.

Sect. 4. Assessment upon abutters. The tax assessors of the towns of Wayne and Leeds may apportion the sums payable by their respective towns, or such part thereof as to them seems just, upon the lands adjacent to and abutting on Androscoggin Lake and Dead River, in such proportions as in their opinion such lands are benefited or made more valuable by such dam and the cessation of contamination of the waters of Androscoggin Lake and Dead River afforded thereby, but

the whole assessments shall not exceed the sums payable by their respective towns.

After said assessments have been made upon such lands and the amount fixed on each, the same shall be recorded respectively with the clerks of the towns of Wayne and Leeds, and notice shall be given within ten days after the assessment by delivering to each owner of said assessed lands resident in said towns a certified copy of such recorded assessment for his town, or by leaving it at his last and usual place of abode, and by publishing the same three weeks successively in some newspaper published in said town, the first publication to be within said ten days, and said clerks within said ten days shall deposit respectively in the post-offices of said towns, postage paid, certified copies, directed to each owner or proprietor residing out of said towns, of such recorded assessment for his town, and the certificates of said clerks shall be sufficient evidence of these facts, and the respective registry of deeds of Androscoggin and Kennebec counties shall be the evidence of title in making said assessments, so far as notice is concerned.

Any person not satisfied with the amount for which he is assessed may, within ten days after service of the notice provided for by the preceding paragraph in either manner therein provided, by request in writing given to the clerk of the town wherein his land is located, have the assessment upon his land determined by three referees, one of whom shall be selected by the tax assessors of the town wherein the land is located and one by the person assessed, and the two referees so selected shall together choose the third referee. Such referees shall fix the amount to be paid by the person assessed, and the report of such referees made to the clerk of the town wherein the land is located shall be final and binding upon all parties. Said reference shall be had and report made to said town clerk within thirty days from the receipt of said request for reference.

All assessments made under the provisions of this section shall create a lien upon each and every lot or parcel of land so assessed, and the buildings upon the same, which lien shall take effect when the tax assessors record with the clerks of their town the completed assessments for that town and shall

continue for one year thereafter, and within ten days after they are respectively recorded, the clerk of each town respectively shall make out a list of all such assessments for his town, the amount of each, and the name of the person against whom the same is assessed, and shall certify the list and deliver it to the treasurer of his town; if said assessments are not paid within six months from the date thereof, the respective treasurers of the town wherein the land is located shall sell, at public auction, such of said lots or parcels of land upon which such assessments remain unpaid, or so much thereof as is necessary to pay such assessments and all costs and incidental charges; he shall advertise and sell the same within one year from the time said assessments are made as real estate is advertised and sold for taxes under chapter fourteen of the revised statutes, and upon such sale, shall make, execute and deliver his deed to the purchaser, which shall be good and effectual to pass the title of such real estate. The sum for which such sale shall be made shall be the amount of the assessment and all costs and incidental expenses. Any person to whom the right by law belongs may at any time within one year from the date of such sale redeem such real estate by paying to the purchaser or his assigns the sum for which the same was sold, with interest thereon at the rate of twenty per cent per annum, and the costs of reconveyance.

If said assessments are not paid, and said respective towns do not proceed to collect said assessments by a sale of the real estate so assessed, or do not collect, or are in any manner delayed or defeated in collecting said assessments by a sale of the real estate so assessed, then the respective towns wherein the real estate so assessed is located may maintain an action against the person so assessed for the amount of said assessment, as for money paid, laid out, and expended, in any court competent to try the same, and in such action may recover the amount of such assessment, with interest thereon at the rate of twelve per cent per annum from the date of said assessment, and costs.

Sect. 5. Right of eminent domain to be exercised. The directors may take as for public uses, acquire by purchase, by right of eminent domain or otherwise, and hold, all in the name of the state, such real estate and such rights and easements

therein, including lease-holds and buildings, the title to which is separate from the ownership of the land, as the directors may from time to time consider necessary for the location and construction of the dam. Any property taken as for public uses and by right of eminent domain shall be taken in the manner provided by law in the case of land taken for laying out and construction of highways.

Sect. 6. Report to governor and council. Whenever said dam shall be completed ready for use, the directors shall submit to the governor and council a report, which report shall contain a statement of their doings therein.

Sect. 7. Appropriation by state. Two thousand dollars, or so much thereof as may be necessary, not to exceed twenty per cent of the cost of said dam, is hereby appropriated by the state to be expended under the authority and direction of the directors in constructing said dam.