

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1857.

PART SECOND.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.
1857.

THIRTI-SIXTH LEGISLATURE

HOUSE.]

[No. 31.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FIFTY-SEVEN.

AN ACT to encourage the use of water powers.

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

SECTION 1. When different persons own the opposite
banks of a river or stream, and one desires to
erect a dam thereon for operating mills or machinery,
he may notify the opposite owner in writing, and
request him to join therein. If he neglects or refuses
to do so for thirty days, the other party may petition
the county commissioners of the county where the
dam is to be erected; and if they deem the petitioner
responsible for the costs, they shall give reasonable

10 notice to the parties, view the premises, and hear the
11 evidence produced before them. If they think the
12 public convenience will not be promoted by such
13 erections, they shall dismiss the petition, and the
14 petitioners shall pay their fees, and the costs of the
15 opposite party, taxed as in a case before referees. If
16 they think the public convenience will be promoted
17 thereby, they shall decide where such dam shall be
18 abutted on the bank of the opposite party, and assess
19 the damages therefor, subject to the right of either
20 party to have a jury or committee, as in case of dam-
21 ages for land taken for highways; and the petitioner
22 may take such land as for public use, for such pur-
23 pose, on the payment or tender of the damages thus
24 awarded, and the fees of the commissioners.

SECT. 2. After such dam is erected, if the opposite
2 party desires to share in the burdens and benefits of
3 such dam and water power, and cannot agree with
4 the owner, he may petition the county commissioners
5 who shall notify and hear the parties, and decide upon
6 what terms and conditions he may so share.

SECT. 3. The right to erect dams under this act,
2 shall be subject to the restrictions and liabilities pro-

3 vided in chapter one hundred and twenty-six of the
4 revised statutes, except that contained in section three
5 thereof.

SECT. 4. All acts and parts of acts inconsistent with
2 this, are hereby repealed; and this act shall take
3 effect from and after its approval by the governor.

IN SENATE, March 17, 1857.

This bill having had two several readings passed to be engrossed. Sent
down for concurrence.

JOS. K. CLARK, *Secretary pro tem.*

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 23, 1857. }

Laid on the table on motion of Mr. Woodman of Bucksport, and ordered that 350 copies of the foregoing Bill (An act to encourage the use of water powers) be printed for the use of the Legislature.

GEO. W. WILCOX, *Clerk.*