

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 583

S. P. 198

In Senate, February 5, 1971

Referred to Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Wyman of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**RESOLVE, Appropriating Moneys for the Acquisition of Property at
Meddybemps by the Atlantic Sea Run Salmon Commission.**

Atlantic Sea Run Salmon Commission; appropriation for acquisition of land. Resolved: That the sum of \$37,500 be appropriated from the Unappropriated Surplus of the General Fund to the Atlantic Sea Run Salmon Commission for the acquisition by said commission from Harry J. Smith of Meddybemps of certain parcels of land of the said Smith at Meddybemps, together with the dam at the outlet of Meddybemps Lake and the flowage rights appertaining thereto; and be it further

Resolved: That there is appropriated from the Unappropriated Surplus of the General Fund to said Commission the sum of \$12,500 for the repair of said dam and construction of a fishway.

STATEMENT OF FACT

The purpose of this bill is to restore the Atlantic Salmon fishery in the Dennys River. To accomplish this, it is necessary to acquire the Smith property which controls the amount of water in the Dennys River. Without such control the salmon fishery in this river will be negligible.

In 1966, the Governor and Council made a taking of these lands and rights by eminent domain. This taking was held illegal by the Supreme Judicial Court in 1969. It is believed that Mr. Smith has a valid claim against the State for damages for deprivation of the use of the property during that

period of time. If this purchase is consumated, Mr. Smith will release the State from this claim.

The Federal Government, through the Anadromous Fisheries Act, will match the moneys herein requested on a 50-50 basis in order to make up the total purchase price and costs of repairs and fishway.