

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

SENATE.

No. 22.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
SEVENTY-NINE.

An Act additional to chapter ninety-two of the revised
statutes, concerning mills and mill dams.

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

SECTION 1. When the owners of mills carried
2 by the water of a stream, or the owners of water
3 power for operating mills, find or apprehend that
4 the necessary head of water for working or reser-
5 voir purposes, cannot be obtained without over-
6 flowing some highways or town ways, they may
7 petition the county commissioners for permission
8 to raise said ways and enlarge the water rent
9 thereof. Such commissioners shall appoint a time
10 and place for a hearing on the petition, and give
11 notice thereof to all parties interested, as provided

12 in section two of chapter eighteen of the revised
13 statutes, and such notice may be proved in the
14 manner provided in said section.

SECT. 2. On the day appointed, they shall meet,
2 examine the premises described in the petition,
3 and hear the parties present, and thereupon they
4 shall determine whether said ways shall be raised
5 and the water rents enlarged, and to what extent,
6 and prescribe the manner in which it shall be done,
7 and what portion of the expenses thereof and the
8 costs of the hearing, shall be borne by the peti-
9 tioners, and what portion, if any, by the town
10 where the way is located.

SECT. 3. If the decision is in favor of the peti-
2 tioners, they shall thereupon proceed and make the
3 alterations prescribed by the commissioners, in a
4 faithful manner and to the acceptance of said com-
5 missioners, and shall have a claim against the town
6 in which such way is located, to be reimbursed for
7 the proportion of the expenses and costs fixed by
8 the commissioners for the town to pay; and if the
9 town does not pay the same within thirty days
10 after its approval by the commissioners, and the
11 exhibit of the account to the municipal officers
12 thereof, and a demand therefor, the petitioners
13 may recover the same in an action on the case.

SECT. 4. If the decision of the county commis-
2 sioners is against the petitioners, they shall pay the
3 costs of the hearing, taxed as in other cases before
4 county commissioners.

SECT. 6. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 31, 1879.

Reported by Mr. VINTON of Cumberland, from the Committee
on the Judiciary, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*