

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTY-EIGHTH LEGISLATURE.

SENATE.

No. 66.

[NEW DRAFT.]

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 Representatives 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, or when their
6 existing rights in respect to the same cannot be
7 exercised without over-flowing some highways or
8 town ways, they may petition the county commis-
9 sioners for permission to raise said ways and enlarge
10 the water vent thereof. Such commissioners shall

11 appoint a time and place for a hearing on the peti-
12 tion, and give notice thereof to all parties interested,
13 as provided in section two of chapter eighteen of
14 the revised statutes, and such notice may be proved
15 in the 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 vents 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, said commissioners shall direct the town,
3 in writing, to make the alterations prescribed, and
4 fix a time within which the same shall be done, and
5 if not done within the time fixed, the same may be
6 done by the petitioners, and whether done by the
7 town or by the petitioners, it shall be done in a
8 faithful manner and to the acceptance of the com-
9 missioners; and whichever party shall make said
10 alterations, shall have a claim upon the other party
11 for the proportion fixed by the commissioners for

12 said other party to pay, and if the same is not paid
13 within thirty days after its approval by said com-
14 missioners and a demand therefor, it may be recov-
15 ered 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. 5. Any party aggrieved by the decision of
2 said commissioners, may appeal therefrom, in the
3 same manner and subject to the same conditions
4 as is provided in case of highways.

SECT. 6. Nothing in this act shall be construed
2 to affect any right of flowage or damage therefor.

STATE OF MAINE.

IN SENATE, February 17, 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.*