

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 174

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIVE.

AN ACT to amend chapter 153 of the Private and Special Laws of 1879 in regard to building dams and embankments on Swift river in the town of Byron.

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

Section 1. The first line of section 1 is hereby amended by
2 adding after the word "Byron" the words 'or the Rumford
3 Falls and Rangeley Lakes Railroad Company;' also the 9th
4 line of said section 1 by adding after the word "Byron" the
5 words 'or the Rumford Falls and Rangeley Lakes Railroad
6 Company;' also the 13th line of said section 1 by adding
7 after the word "Byron" the words 'or the Rumford Falls
8 and Rangeley Lakes Railroad Company;' also by inserting
9 after the word "highway" in the fifth line and before the
10 word "in" in the sixth line the words 'or the track of said

11 railroad company,' so that said section as amended shall
12 read as follows:

'Section 1. The inhabitants of the town of Byron, or the
14 Rumford Falls and Rangeley Lakes Railroad Company,
15 in the county of Oxford, are hereby authorized to construct,
16 maintain and keep in repair, dams and embankments, at
17 such places in said town as may be necessary to confine the
18 water of Swift river in its proper channel, and to keep said
19 water from injuring the public highway or the track of said
20 railroad company in said town, and for said purpose may
21 at all times enter upon and take such land and material
22 as may be required in constructing, maintaining and keep-
23 ing in repair such dams and embankments; provided, how-
24 ever, said inhabitants of Byron, or the Rumford Falls and
25 Rangeley Lakes Railroad Company, shall pay the owner
26 of such land or material so taken such sum as the parties
27 may agree upon, and in case the parties fail to agree upon
28 the amount of damage or value of the property so taken,
29 said inhabitants of Byron, or the Rumford Falls and Range-
30 ley Lakes Railroad Company, shall pay such damage as
31 may be adjudged by the county commissioners of the county
32 of Oxford, to be ascertained in the same manner and under
33 the same conditions and liabilities as are now or may here-
34 after be provided by law in case of damage by the laying
35 out of public highways, and for the purpose of this act,
36 said inhabitants of Byron may raise and appropriate money
37 in the same manner as is provided by law for constructing
38 or repairing highways.'

Also that section 2 of this act be amended as follows: By
40 inserting after the word "town" and before the word "to"
41 in the 3d line of said section the words 'or the Rumford
42 Falls and Rangeley Lakes Railroad Company;,' also said
43 section is further amended by inserting after the word

44 “located” in the 11th line of said section the words ‘in case
45 the owner of said land is not a resident of the town of
46 Byron so that personal notice cannot be conveniently given
47 him said notice may be published three weeks successively
48 in some newspaper published in the county of Oxford, the
49 last publication to be at least seven days before the time
50 appointed for the aforesaid view;’ also by inserting after
51 the word “otherwise” in the 17th line of said section the
52 words ‘in case the owner of said land is not a resident of
53 the town of Byron so that personal notice cannot be con-
54 veniently given him said notice may be published three
55 weeks successively in some newspaper published in the
56 county of Oxford, the last publication to be at least seven
57 days before the time appointed for the aforesaid view;’ also
58 by inserting after the word “notice” in the 18th line of said
59 section 2 the words ‘or date of publication of said notice.’
60 Said section is further amended by inserting after the word
61 “parties” in the 36th line of said section the following
62 words: ‘Should said selectmen neglect or refuse to locate
63 dams or embankments as requested by the petitioners, the
64 Rumford Falls and Rangeley Lakes Railroad Company
65 shall have the same right to appeal from the decision of
66 said board of selectmen that is herein provided for land
67 owners, and the same procedure as to notice and other
68 things to be done in the matter of appeal shall be taken by
69 said railroad company as is herein provided for the land
70 owners to take,’ so that said section as amended shall read
71 as follows:

‘Section 2. The selectmen of said town of Byron, or their
73 successors in said office, on request of five or more citizens
74 of said town, or the Rumford Falls and Rangeley Lakes
75 Railroad Company, to locate or construct dams or embank-
76 ments in said town, for the purposes aforesaid, shall forth-
77 with appoint a time and place when they will meet to view

78 the premises, and shall give not less than seven days' notice
79 of the time and place designated, to all parties interested;
80 said notice may be a written notice to the owner of the land
81 on which said proposed dam or embankment is to be con-
82 structed; or it may be by posting up said notice in three
83 public and conspicuous places in the immediate vicinity,
84 where said proposed dam is asked to be located. In case
85 the owner of said land is not a resident of the town of
86 Byron so that personal notice cannot be conveniently given
87 him said notice may be published three weeks successively
88 in some newspaper published in the county of Oxford, the
89 last publication to be at least seven days before the time
90 appointed for the aforesaid view.

At the time appointed, said selectmen shall meet, view the
92 premises, hear the parties, and if a decision to locate is
93 made, shall give the owner or owners of the land where said
94 dam or embankment is to be located, if the residence of
95 such owner or owners is known, written notice of their said
96 decision, either by mail or otherwise. In case the owner of
97 said land is not a resident of the town of Byron so that
98 personal notice cannot be conveniently given him said notice
99 may be published three weeks successively in some news-
100 paper published in the county of Oxford, the last publica-
101 tion to be at least seven days before the time appointed for
102 the aforesaid view. Said owner or owners shall have seven
103 days from the time they have notice or date of publication
104 of said notice of such decision, in which to enter with the
105 clerk of the town of Byron, notice of an appeal from the
106 decision of said selectmen, and in case a notice of such an
107 appeal is not so lodged with the clerk, no appeal shall be
108 taken. Any land owner aggrieved at the decision of said
109 selectmen as to the aforesaid location, may appeal as afore-
110 said to the county commissioners of Oxford county, by
111 entering his said appeal with the clerk of said commis-

112 sioners in said county, within ten days after receiving notice
113 of the decision of said selectmen; said clerk shall imme-
114 diately notify said board of commissioners of said appeal,
115 and said commissioners shall forthwith appoint a time and
116 place within thirty days, when they will view the premises
117 and hear all interested. The clerk aforesaid, shall notify
118 by letter the said selectmen and the parties taking the appeal,
119 of the time and place designated by the commissioners for
120 hearing the parties; he shall also cause a notice of said
121 hearing to be published one or more times in some news-
122 paper printed in Oxford county, and shall mail a copy of
123 said paper, with the notice printed therein, to the respective
124 parties. Should said selectmen neglect or refuse to locate
125 dams or embankments as requested by the petitioners, the
126 Rumford Falls and Rangeley Lakes Railroad Company
127 shall have the same right to appeal from the decision of said
128 board of selectmen that is herein provided for the land
129 owners, and the same procedure as to notice and other
130 things to be done in the matter of appeal shall be taken by
131 said railroad company as is herein provided for the land
132 owners to take.

At the time of said hearing, said commissioners shall view
134 the premises, hear the parties, after which they may con-
135 firm the decision of said selectmen in whole or in part, or
136 may make such new location or locations, as is in their
137 judgment necessary, and assess all damages caused by said
138 locations. They shall also cause a report of their doings to
139 be recorded in the clerk's office in said town of Byron, also
140 in their own office. Their said decision as to location to be
141 final, but not as to damages.'

Sect. 3. Said dams or embankments may be constructed
2 before the question of damage is settled.

Sect. 4. The expense of the commissioners shall be included
2 in their regular bills against the county.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, February 16, 1905.

Reported by Mr. HIGGINS from Committee on Judiciary and ordered
printed and recommitted to Judiciary Committee.

E. M. THOMPSON, *Clerk.*