

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)

SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 475

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
2 by adding after the word "Byron" the words 'or the Rum-
3 ford Falls and Rangeley Lakes Railroad Company;' also the
4 ninth line of said section 1 by adding after the word "Byron"
5 the words 'or the Rumford Falls and Rangeley Lakes Rail-
6 road Company;' also the thirteenth line of said section 1 by
7 adding after the word "Byron" the words 'or the Rumford
8 Falls and Rangeley Lakes Railroad Company;' also by
9 inserting after the word "highway" in the fifth line and
10 before the word "in" in the sixth line the words 'or the track

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

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

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

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

'Sect. 2. The selectmen of said town of Byron, or their
72 successors in said office, on request of five or more citizens
73 of said town, or the Rumford Falls and Rangeley Lakes
74 Railroad Company, to locate or construct dams or embank-
75 ments in said town, for the purposes aforesaid, shall forth-
76 with appoint a time and place when they will meet to view
77 the premises, and shall give not less than seven days' notice
78 of the time and place designated, to all parties interested;

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

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

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

At the time of said hearing, said commissioners shall view
133 the premises, hear the parties, after which they may con-
134 firm the decision of said selectmen in whole or in part, or
135 may make such new location or locations, as is in their
136 judgment necessary, and assess all damages caused by said
137 locations. They shall also cause a report of their doings
138 to be recorded in the clerk's office in said town of Byron,
139 also in their own office. Their said decision as to location
140 to be 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
2 included in their regular bills against the county.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 9, 1905.

Reported by Mr. JOHNSON from Committee on Judiciary and
ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*