

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 128

STATE OF MAINE

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

AN ACT additional to Chapter 174, of the Private and Special
Laws of 1903, relating to the West Branch Driving and
Reservoir Dam Company.

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

Section 1. The West Branch Driving and Reservoir Dam
2 Company, incorporated under Chapter 174 of the Private
3 and Special Laws of 1903, is hereby authorized and empow-
4 ered to rebuild and raise its present dam at Ripogenus Falls,
5 or to build and maintain a new dam at said Falls upon the
6 present dam site of said dam or five hundred feet above its
7 present dam site, so as to increase the height of said dam
8 six feet for the purpose of facilitating the driving of logs

9 and lumber down the West Branch of the Penobscot river,
10 and for storing water for the use of any mills or machinery
11 which may use West Branch water. But in rebuilding or
12 increasing the height of said Ripogenus Dam, the said West
13 Branch Driving and Reservoir Dam Company shall not have
14 the right to destroy any water power belonging to private
15 individuals either above or below said dam, and if it does
16 the owner or owners of said privileges shall receive full
17 compensation therefor, to be recovered in an action on the
18 case by said owner or owners in the supreme judicial court
19 in the county where said land lies. And the West Branch
20 Driving and Reservoir Dam Company shall not have the
21 right to use the water in said dam for any other purpose
22 than that of driving logs and supplying water to any mills
23 or machinery which may use West Branch water, and can-
24 not generate electricity to any person or corporation to the
25 detriment of private owners of power privileges below and
26 above said dam.

Sect. 2. Nothing in this act shall be held to restrict,
2 modify or abridge the rights, powers, duties and obligations
3 of said company under its original act of incorporation.

Sect. 3. Said company for the purpose of rebuilding and
2 raising or erecting, maintaining and repairing the dam
3 authorized by this act is hereby given the right to purchase or
4 to take and hold any lands and materials necessary for erect-
5 ing, abutting, maintaining and repairing such dam, together

6 with the necessary wing dams and dykes to make the same
7 effective.

Said company shall file in the registry of deeds for the
9 county of Piscataquis, a plan of the location of such land as
10 it takes under this act, and no entry for the purpose of tak-
11 ing lands shall be made on any lands owned by other per-
12 sons except to make surveys, until the expiration of ten days
13 from the time of such filing.

Said company shall be held liable to pay all damages for
15 the land and materials so taken, and if any person sustaining
16 damages as aforesaid shall not agree with the company upon
17 the sum to be paid therefor, the party or parties suffering
18 such damage may maintain an action on the case for his or
19 their damages in the supreme judicial court to be commenced
20 in the county where the land lies.

Sect. 4. All damages for flowage caused by such increased
2 height may be recovered in accordance with the provisions
3 of Chapter 94 of the Revised Statutes, known as the Mill
4 Act.

Sect. 5. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 21, 1907.

Pending reference to Committee on Interior Waters in concurrence,
tabled for printing on motion by Mr. PARKHURST of Penobscot.

F. G. FARRINGTON, *Secretary*.