

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 207

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 one hundred seventy-
3 four of the Private and Special Laws of nineteen hundred
4 and three, is hereby authorized and empowered to rebuild
5 and raise its present dam at Ripogenus Falls or to build
6 and maintain a new dam at said falls at some point within
7 fifty feet below and five hundred feet above its present dam

8 to such a height as will raise the water four and one-half
9 feet above the maximum level of the surface of Chesuncook
10 Lake as flowed by the present Chesuncook dam, for the
11 purpose of facilitating the driving of logs and lumber and
12 of storing water for the use of any mills or machinery which
13 may use West Branch water. If in rebuilding or increasing
14 the height of the present Ripogenus dam or in building
15 the dam authorized by this act the said West Branch Driv-
16 ing and Reservoir Dam Company shall take or flow out any
17 water power belonging to private individuals below Chesun-
18 cook dam or below the dam authorized by this act, the
19 owner or owners of said power shall receive full compen-
20 sation therefor, and if the parties cannot agree upon said
21 compensation then the same may be recovered in an action
22 on the case by said owner or owners in the Supreme Judicial
23 Court for the county of Penobscot. Said West Branch Driv-
24 ing and Reservir Dam Company shall not have the right to
25 use the water at said dam for any other purpose than that
26 of driving logs and supplying water to any mills or machin-
27 ery which may use West Branch water and cannot generate
28 electricity for any person or corporation to the detriment of
29 private owners of power privileges below or above said dam.

Sect. 2. Nothing in this act shall be held to restrict, mod-
2 ify or abridge the rights, powers, duties and obligations of
3 said company under its original act of incorporation except
4 that in case the water raised by the dam authorized by this
5 act shall at any time flow back upon, or over, the Chesun-

6 cook dam to such an extent as to render the handling of
7 gates in said Chesuncook dam impracticable, then during
8 such time the commission authorized in section ten of said
9 act of incorporation shall have and exercise its powers over
10 the dam authorized by this act instead of over said Chesun-
11 cook dam.

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
4 or to take and hold any lands and materials necessary for
5 erecting, abutting, maintaining and repairing such dam,
6 together with the necessary wing dams and dykes to make
7 the same effective.

Said company shall file in the registry of deeds for the
9 county of Piscataquis, a plan of the location of such land
10 as it takes under this act, and no entry for the purpose of
11 taking lands shall be made on any lands owned by other
12 persons except to make surveys, until the expiration of ten
13 days 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 sus-
16 taining damages as aforesaid shall not agree with the com-
17 pany upon the sum to be paid therefor, the party or parties
18 suffering such damage may maintain an action on the case
19 for his or their damages in the supreme judicial court to
20 be commenced in the county of Penobscot.

Sect. 4. All damages for flowage caused by such increased
height except for water power as provided in section one
may be recovered in accordance with the provisions of chapter
ninety-four of the Revised Statutes known as "The Mill
Act."

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

STATE OF MAINE.

IN SENATE, March 8, 1907.

Reported by Mr. STEARNR from Committee on Interior Waters, and
laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.