

# MAINE STATE LEGISLATURE

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# SEVENTY-FOURTH LEGISLATURE

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SENATE.

No. 470

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## STATE OF MAINE.

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

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AN ACT authorizing George R. Ketchum, his heirs and assigns, to erect and maintain a dam across Big Machias Stream on lots numbered fifty-five and fifty-six in the town of Ashland and to maintain piers and booms in Big Machias Stream in the town of Ashland and in Garfield Plantation.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. George R. Ketchum of Ashland, his heirs and  
2 assigns, are hereby authorized and empowered to erect and  
3 maintain a dam across Big Machias Stream, so called, in  
4 the town of Ashland on lots numbered fifty-five and fifty-  
5 six, for the purpose of raising a head of water and facili-  
6 tating the driving of logs and lumber down the same; also

7 to erect and maintain piers and booms in said stream in said  
8 town of Ashland and in Garfield Plantation, for the pur-  
9 pose of holding all logs and other lumber coming down said  
10 stream and destined for use or manufacture by said Ket-  
11 chum.

Said Ketchum is authorized to impound and restrain the  
13 natural flow of said waters only when and in so far as is  
14 necessary for log-driving purposes. The dam authorized  
15 by this act shall not be used for power purposes.

All the property, rights and franchises within the State of  
17 Maine acquired, erected, owned, held or controlled by the  
18 said Ketchum, or his heirs and assigns, at any time after  
19 this act shall take effect, under and by virtue of the terms  
20 thereof, shall be subject to be taken over by, and become  
21 the property of, the State of Maine, whenever said State  
22 shall determine, by appropriate legislation, that the public  
23 interests require the same to be done. Upon the taking  
24 effect of such legislation, the ownership of said property,  
25 rights and franchises shall immediately be transferred to,  
26 and vest in, said State of Maine, and said State shall pay to  
27 said corporation the fair value of all the same, excepting,  
28 however, such franchises and rights as are conferred upon  
29 said Ketchum under and by virtue of the provisions of this  
30 act, which said franchises and rights shall be wholly ex-  
31 cluded in the determination of the amount to be paid to  
32 said Ketchum by said State of Maine.

Sect. 2. Said Ketchum, his heirs and assigns, may enter  
2 upon such lands as are necessary for the erection of the  
3 piers and booms mentioned in this act, and connecting the  
4 same with the shores, and may with its agents and teams  
5 pass and repass over said shores to and from the same over  
6 the land of other persons for the purposes aforesaid and for  
7 the operation and management of said booms; and if the  
8 parties cannot agree upon the damages to be paid the own-  
9 ers of said lands, said damages shall be ascertained and  
10 determined by the County Commissioners of the County of  
11 Aroostook in the same manner, and under the same condi-  
12 tions and limitations, as are provided by law in case of  
13 damages in laying out highways; and said Ketchum may  
14 flow contiguous lands so far as necessary, to raise suitable  
15 heads of water, and for such damage occasioned by flow-  
16 ing land, said Ketchum shall not be liable to an action at  
17 common law, but the person injured may have a remedy by  
18 complaint for flowage, in which case the same proceedings  
19 shall be had as when a complaint is made under the statute  
20 of this State for flowing land occasioned by raising a head  
21 of water for the working of mills.

Sect. 3. All other logs and lumber than those provided  
2 for by section 1 held by, or found in said booms, shall be  
3 turned out thereof by him at his own charge, and in no  
4 case shall any such logs or lumber be unreasonably ob-  
5 structed or delayed in its passage down said stream.

STATE OF MAINE.

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IN SENATE,

March 20, 1909.

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

F. G. FARRINGTON, *Secretary*.