

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 746

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*House of Representatives, March 23, 1911.*

*Reported by Mr. Stetson from Committee on Interior Waters  
and ordered printed under joint rules.*

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT granting H. L. Gooch the right to maintain a dam  
on the East Machias River.

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

Section 1. Henry L. Gooch of East Machias in the county  
2 of Washington and state of Maine, his heirs and assigns,  
3 are hereby authorized and empowered to erect and maintain  
4 an addition to the dam now extending across East Machias  
5 river at a point about thirty-five (35) feet southeasterly of  
6 the Jacksonville bridge on the county road leading to Cooper,  
7 which dam is located opposite the mills of said Henry L.  
8 Gooch, which dam shall be used for the purpose of raising  
9 a head of water and facilitating the driving of logs, and the

10 operation of water wheels to develop power to run a mill or  
11 mills at or near said location and to build and maintain wing  
12 dams, where the same may be necessary between the loca-  
13 tion of said saw-mill and Hadley's lake, and to clear out  
14 rocks and other obstructions in said East Machias river,  
15 between said dam and Hadley's lake, for the purpose of  
16 facilitating the passage of logs and lumber down said river.

Sect. 2. Said Henry L. Gooch, his heirs and assigns, may  
2 enter upon such lands as are necessary for the erection of  
3 the dam and wing dams mentioned in this act, and connect-  
4 ing the same with the shores, and may, with its agents and  
5 teams, pass and repass over said shores, to and from the  
6 same over the land of other persons for the purposes afore-  
7 said and for the operation and management of said dams  
8 and wing dams; and if the parties cannot agree upon the  
9 damages to be paid the owners of said lands, said damages  
10 shall be ascertained and determined by the county commis-  
11 sioners of the county of Washington in the same manner  
12 and under the same conditions and limitations, as are pro-  
13 vided by law in the case of damages in laying out highways;  
14 and said Gooch may flow contiguous lands so far as neces-  
15 sary to raise suitable heads of water, and for such damage  
16 occasioned by flowing land, said Gooch shall not be liable  
17 to an action at common law, but the person injured may  
18 have a remedy, by complaint for flowage, in which case the  
19 same proceedings shall be had as when a complaint is made

20 under the statute of this state for flowing land, occasioned  
21 for raising a head of water for the working of mills.

Sect. 3. Said Henry L. Gooch, his heirs and assigns, may  
2 demand and receive a toll for the passage of logs, pulp  
3 wood and other lumber over his said dam or dams, at the  
4 rate of twenty-five cents per thousand feet, for logs and  
5 other lumber, and twelve and one-half cents per cord for  
6 pulp wood; and the said Henry L. Gooch, his heirs and  
7 assigns, shall have a lien on all logs, pulp wood and other  
8 lumber that may pass over his said dams and improvements  
9 for the payment of said toll and unless said toll is paid with-  
10 in thirty days after said logs, pulp wood and other lumber  
11 shall have passed over his said dams and improvements for  
12 the payment of said tolls, the said H. L. Gooch, his heirs  
13 and assigns may seize said logs, pulp wood or lumber and  
14 sell at public auction so much of the same as shall be nec-  
15 essary to pay said tolls, costs and charges; notice of the  
16 time and place of sale being first given, ten days before said  
17 sale, in some newspaper printed in Machias, in said county.

Sect. 4. When the said Henry L. Gooch, his heirs and  
2 assigns have received from tolls his outlay on dams, im-  
3 provements and repairs and six per cent interest thereon,  
4 then the toll shall be reduced to a sum sufficient to keep the  
5 works in repair. The cost of dams, all improvements and  
6 repairs made subsequent to the passage of this act by the  
7 said H. L. Gooch, shall be included in the cost of dams and  
8 improvements designated in this act.