

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 237

House of Representatives, Feb. 14, 1913.

*Reported by Mr. Umphrey from Committee on Ways and
Bridges, and ordered printed under joint rules.*

W. R. ROIX, Clerk.

STATE OF MAINE

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

AN ACT to prevent the obstruction of ditches and drains in
and along public ways.

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

Section 1. No person, other than a person having legal
2 supervision of a public way, shall cultivate, in connection
3 with the improvement of lands adjacent thereto, any portion
4 of the wrought part of any public way, in such manner as
5 to change the drainage thereof; nor shall any person, other
6 than as hereinbefore provided, deposit within or along any
7 ditch or drain in a public way any material that shall ob-
8 struct the flow of water in such ditch or drain. Provided,

9 however, that, with the written consent and in accordance
10 with specifications of the legal authorities having supervision
11 of such ditch or drain, any person may, to provide egress
12 and regress to and from lands occupied by him, lawfully
13 construct and maintain a bridge across such ditch or drain.

Sect. 2. Whoever wilfully violates any of the provisions
2 of this act shall be punished, for the first offence, by a fine
3 of not less than five dollars nor more than ten dollars and
4 costs and, for each subsequent offence, by a fine of not less
5 than ten dollars nor more than twenty-five dollars and costs,
6 and also shall be further liable for double the amount of the
7 actual damage, to be recovered in an action on the case by
8 the city, town or plantation, or in behalf of any unorganized
9 place, by the county, where the offence is committed. All
10 fines recovered under the provisions of this act shall be paid
11 to the treasurer of the city, town or **plantation, or, for an**
12 **unorganized place, to the treasurer of the county, where such**
13 **offence is committed and shall thereafter be expended in**
14 **the construction and maintenance of public ways or drains**
15 **therein.**

Sect. 3. In all prosecutions under this act, municipal and
2 police courts and trial justices, within their respective coun-
3 ties, shall have, upon complaint, original and concurrent
4 jurisdiction with the supreme judicial and superior courts.

Sect. 4. It shall be the duty of every municipal officer of
2 a city, town or plantation, or for an unorganized place, of

3 every county commissioner, when his attention is directed
4 to any offense committed under this act, within his jurisdic-
5 tion, to enter complaint against the offender and prosecute
6 the same to final judgment.