

MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

SENATE

NO. 27

In Senate, January 28, 1921.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Spencer of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND TWENTY-ONE

AN ACT to Provide for the Removal of Property from Lands
Intended to Be Flowed and the Assessment of Damages
Caused Thereby.

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

Section 1. When any person or corporation shall have
2 decided to erect a dam across a non-navigable stream, un-
3 der the provisions of chapter ninety-seven of the revised
4 statutes or under special authority granted by the legis-
5 lature, and shall have filed the specifications required by
6 section nine, chapter one hundred and thirty-two of the
7 public laws of nineteen hundred and nineteen, and it ap-
8 pears that standing timber or other property of value upon

9 the land intended to be flowed will be damaged, rendered
10 inaccessible, or constitute a menace to the enjoyment of
11 the rights conferred upon such person or corporation by
12 said chapter ninety-seven or by special act, the supreme
13 judicial court shall have jurisdiction in equity, upon peti-
14 tion of such person or corporation, to authorize or order
15 the removal and sale or other disposition of such timber
16 or other property at the expense of the petitioner and the
17 payment to the owner thereof of the proceeds of said
18 sale or such sum as said court shall deem just. Said
19 court may require the petitioner to furnish security for
20 such payment, and may include in its decree a condition
21 that the petitioner shall pay an additional amount as dam-
22 ages if the dam is not completed and the land flowed within
23 a time to be therein specified; provided, however, that such
24 time may be extended for good cause shown.

Sect. 2. When such person or corporation has obtained
2 a decree under section one of this act for the removal of
3 such timber or other property and has fully complied with
4 the terms thereof no further damages shall be allowed on
5 account of said timber or other property in any proceeding
6 for the assessment of damages arising from the flowage
7 caused by the erection of said dam.