

# MAINE STATE LEGISLATURE

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(NEW DRAFT)

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**EIGHTIETH LEGISLATURE**

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**SENATE**

**NO. 176**

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In Senate, March 30, 1921.

Reported by Mr. Gillin from Committee on Judiciary and  
laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

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**STATE OF MAINE**

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

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AN ACT to Provide for the Removal of Property from Lands  
Intended to be Flowed and the Assessment of Damages  
Caused Thereby, When Such Property, if Flowed, Will Con-  
stitute a Menace to Persons or Property.

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

Section. 1. When any person or corporation shall have de-  
2 cided to erect a dam across a non-navigable stream under  
3 the provisions of chapter ninety-seven of the revised stat-  
4 utes or under special authority granted by the legislature,  
5 and shall have filed the specifications required by section nine,  
6 chapter one hundred and thirty-two of the public laws of

7 nineteen hundred and nineteen, and it appears that standing  
8 timber or other property of value upon the land intended to  
9 be flowed will constitute a menace to the safety of such per-  
10 son or corporation or to persons or property upon and along  
11 the banks of said stream below the intended location of  
12 said dam, the supreme judicial court shall have jurisdiction  
13 in equity, upon petition of such person or corporation, to  
14 authorize said petitioner to remove and sell such timber or  
15 other property and to order the payment to the owner there-  
16 of of the gross proceeds of such sale and such further sum,  
17 if any, as said court shall deem just. Said court shall re-  
18 quire the petitioner to furnish security for such payment  
19 and for an additional penalty not less than double the  
20 amount to be received from such sale and shall include in  
21 its decree a condition that such additional sum shall be paid  
22 to said owner as damages if the dam is not completed and  
23 the land flowed within a time to be therein specified; pro-  
24 vided, however, that such time may be extended for good  
25 cause shown.

Sect. 2. Damages caused by flowage of lands from which  
2 timber or other property shall have been removed under  
3 section one of this act shall be assessed as though there had  
4 been no severance, and the amount paid for such timber or  
5 other property with interest to the date of the judgment  
6 shall be credited thereon, provided that the owner of the  
7 land shall have the right to elect whether his damages shall  
8 be assessed for flowage as of the time of taking or of flow-  
9 ing.