

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

Senate Document

No. 351

S. P. 683

In Senate, March 15, 1929.

Reported by Senator Pinkham of Aroostook from Committee on Interior Waters and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

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

AN ACT to Prohibit the Erection of Any Dam on the Public Waters in the State Unless and Until All Bushes, Trees and Stumps Within the Area to be Flowed Shall Have Been Removed.

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

Section 1. Whoever hereafter erects a dam on any of
2 the public waters of this state, shall within three years after
3 a head of water is held and flowage created thereby, remove
4 from the flowed area all trees, bushes and stumps, that he
5 can legally remove therefrom, to such an extent that the
6 tops of all trees, bushes and stumps left thereon shall be
7 at least five feet below the surface of the mean low water

8 level maintained during the period beginning June first and
9 ending December first next following of each year and shall
10 within said three years period remove such growth as he
11 can legally remove from the edge of the flowed area to
12 such an extent that no dri-ki and debris shall form to be
13 carried away by the water; and for the purpose of pro-
14 tecting the right of the public in the navigation of the
15 waters over said flowed area the owner of such dam shall,
16 after the creation of flowage thereby, have the right to cut
17 and remove from the flowed area all trees, bushes and
18 stumps remaining thereon, and the damage to the owner
19 thereof caused by such removal shall be ascertained in the
20 same manner as is provided for the ascertainment of the
21 damages caused by the flowage.

Sect. 2. Any dam erected hereafter which is maintained
2 in violation of this act shall constitute a public nuisance,
3 and be subject to the provisions of section twelve of chap-
4 ter twenty-three of the revised statutes.

Sect. 3. This act shall not apply to dams which are
2 created solely for log driving purposes where the water
3 is stored for not exceeding three months of each year, nor
4 shall the same be interpreted in any instance to require the
5 removal of stumps below the swell of the roots.