

# MAINE STATE LEGISLATURE

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NEW DRAFT

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EIGHTY-FIFTH LEGISLATURE

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Legislative Document

No. 1008

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S. P. 600

In Senate, March 26, 1931.

Reported by Senator Greenleaf of Androscoggin from Committee on Interior Waters and laid on Table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

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STATE OF MAINE

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

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AN ACT to Provide for Building a Dam across Dead River,  
in Androscoggin County, to be Known as Androscoggin  
Lake Dam.

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

Section 1. Directors of Androscoggin Lake Dam. The governor, with the advice and consent of the council, shall appoint two persons, both resident of the county of Kennebec, and two persons, both resident of the county of Androscoggin, who, with the commissioner of inland fisheries and game, shall constitute a board to be known as the Directors of Androscoggin Lake Dam, hereinafter called the directors. The term of office of the four directors so appointed shall cease whenever said dam shall be completed ready for use. The commissioner of inland fisheries and game shall hold the office of director by virtue of his office as commissioner. The four directors appointed by the governor shall serve without pay but their necessary expenses shall be paid by the state.

Sec. 2. Directors shall locate dam; make necessary plans; authority to appoint and employ engineers. The directors shall locate said dam at some convenient point in the town of Leeds in the county of Androscoggin on and across Dead

River. The cost of such dam to the state and any of its agencies, in the aggregate, shall not exceed fifteen thousand dollars.

Said dam shall be so constructed as to prevent ingress of the waters of the Androscoggin River into Androscoggin Lake. It shall not prevent the normal egress of the waters of Androscoggin Lake into the Androscoggin River and shall not cause any flowage, beyond the normal seasonal flowage, of lands adjacent to said Dead River and to Androscoggin Lake.

The directors shall have authority to appoint and employ such engineers, agents, assistants and other employees as they deem necessary, and with the advice and consent of the governor and council, to make and let a contract or contracts for the construction of said dam and to do any other act necessary for the construction of said dam.

Before completing the plans or location, the directors shall thoroughly inform themselves as to the present requirements of such dam and as to its future requirements, if any.

Sec. 3. Apportionment of cost of dam. The cost of construction of the dam built under the provisions of this act shall be divided as follows:

Thirty three and one-third per cent by the state; twenty three and one-third per cent by the county of Kennebec; sixteen and two-thirds per cent by the county of Androscoggin; twenty six and two-thirds per cent by the town of Wayne in the county of Kennebec; provided that the aggregate of such sums shall not exceed fifteen thousand dollars. Such sums, except that apportioned to the state, shall be paid by the treasurers of the respective town and counties to the treasurer of the state, whenever the cost of constructing said dam shall have been determined by the directors, and the aggregate sum, including that apportioned to the state, shall be expended by the treasurer of the state under the authority and direction of the directors.

After the completion of said dam all maintenance, upkeep, repairs and operation thereof shall be in charge of and paid by the town of Wayne.

Sec. 4. Assessment upon abutters. The tax assessors of the town of Wayne may apportion the sum payable by said town, or such part thereof as to them seems just, upon the

lands adjacent to and abutting on Androscoggin Lake, in such proportions as in their opinion such lands are benefited or made more valuable by such dam and the cessation of contamination of the waters of Androscoggin Lake afforded thereby, but the whole assessment for said town shall not exceed the sum payable by said town.

After said assessments have been made upon such lands and the amount fixed on each, the same shall be recorded with the clerk of the town of Wayne, and notice shall be given within ten days after said assessments by delivering to each owner of said assessed lands resident in said town a certified copy of such recorded assessments, or by leaving it at his last and usual place of abode, and by publishing the same three weeks successively in some newspaper published in said town, the first publication to be within said ten days, and said clerk within said ten days shall deposit in the postoffice of said town, postage paid, certified copies, directed to each owner or proprietor residing out of said town, of such recorded assessments, and the certificate of said clerk shall be sufficient evidence of these facts, and the registry of deeds of Kennebec county shall be the evidence of title in making said assessments, so far as notice is concerned.

Any person not satisfied with the amount for which he is assessed may, within ten days after service of the notice provided for by the preceding paragraph in either manner therein provided, by request in writing given to the clerk of the town of Wayne, have the assessment upon his land determined by three referees, one of whom shall be selected by the tax assessors of said town, and one by the person assessed, and the two referees so selected shall together choose the third referee. Such referees shall fix the amount to be paid by the person assessed, and the report of such referees made to the clerk of said town shall be final and binding upon all parties. Said reference shall be had and report made to said town clerk within thirty days from the receipt of said request for reference.

All assessments made under the provisions of this section shall create a lien upon each and every lot or parcel of land so assessed, and the buildings upon the same, which lien shall take effect when the tax assessors of the town of Wayne record

with the clerk of said town their completed assessments and shall continue for one year thereafter, and within ten days after they are recorded, the clerk of said town shall make out a list of all such assessments, the amount of each, and the name of the person against whom the same is assessed, and shall certify the list and deliver it to the treasurer of said town; if said assessments are not paid within six months from the date thereof, the treasurer of said town shall sell, at public auction, such of said lots or parcels of land upon which such assessments remain unpaid, or so much thereof as is necessary to pay such assessments and all costs and incidental charges; he shall advertise and sell the same within one year from the time said assessments are made as real estate is advertised and sold for taxes under chapter fourteen of the revised statutes, and upon such sale, shall make, execute and deliver his deed to the purchaser, which shall be good and effectual to pass the title of such real estate. The sum for which such sale shall be made shall be the amount of the assessment and all costs and incidental expenses. Any person to whom the right by law belongs may at any time within one year from the date of such sale redeem such real estate by paying to the purchaser or his assigns the sum for which the same was sold, with interest thereon at the rate of twenty per cent per annum, and the costs of reconveyance.

If said assessments are not paid, and the town of Wayne does not proceed to collect said assessments by a sale of the real estate so assessed, or does not collect, or is in any manner delayed or defeated in collecting said assessments by a sale of the real estate so assessed, then said town may maintain an action against the person so assessed for the amount of his assessment, as for money paid, laid out, and expended, in any court competent to try the same, and in such action may recover the amount of such assessment, with interest thereon at the rate of twelve per cent per annum from the date of said assessment, and costs.

Sec. 5. Right of eminent domain to be exercised. The directors may take as for public uses, acquire by purchase, by right of eminent domain or otherwise, and hold, all in the name of the state, such real estate and such rights and easements therein, including lease-holds and buildings, the title to which is separate from the ownership of the land, as the

directors may from time to time consider necessary for the location and construction of the dam. Any property taken as for public uses and by right of eminent domain shall be taken in the same manner and under the same conditions as set forth in chapter sixty-nine of the revised statutes, sections eleven to twenty-two inclusive.

Sec. 6. Report to governor and council. Whenever said dam shall be completed ready for use, the directors shall submit to the governor and council a report, which report shall contain a statement of their doings therein.

Sec. 7. Appropriation by state. Five thousand dollars, or so much thereof as may be necessary, not to exceed thirty-three and one-third per cent of the cost of said dam, is hereby appropriated by the state to be expended under the authority and direction of the directors in constructing said dam.