

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1049

S. P. 519

In Senate, February 25, 1949

Referred to the Committee on Interior Waters. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Slocum of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Dams as Nuisances.

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

R. S., c. 128, § 12, amended. Section 12 of chapter 128 of the revised statutes is hereby amended by adding at the end thereof the following paragraph:

‘The right granted by the legislature to any person, firm or corporation to build or maintain a dam at a given height shall not permit the building or maintaining of said dam or any portion thereof used to hold back water above the height authorized by law, nor the maintenance of the level of the water above the legal height of the dam. The building or maintenance of the dam or any portion thereof used to hold back water or the height of water above the legal height of the dam shall be a public nuisance and may be abated as hereinafter provided. Provided, however, that an existing dam shall not be a public nuisance even though constructed in whole or in part above the legal height as long as it is maintained and operated in such manner as to prevent the level of the water from exceeding the legal height of the dam.’