

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1135

S. P. 391

In Senate, March 6, 1959

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

CHESTER T. WINSLOW, Secretary

Presented by Senator Weeks of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

AN ACT Relating to Augmenting of Stored Water.

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

Sec. 1. R. S., c. 180, §§ 39-A and 39-B, additional. Chapter 180 of the Revised Statutes is amended by adding 2 new sections, to be numbered 39-A and 39-B, to read as follows :

‘Sec. 39-A. Right of mill owners to augment stored water by pumping or otherwise; right to flow land conferred; assessment of damages. Any person, firm or corporation which may be entitled to the rights and benefits provided for in this chapter is authorized and empowered to build, maintain and operate dams and other necessary works and structures, including side dams, embankments, ditches and drains, on lands owned or leased by them for the purpose of creating and maintaining water storage reservoirs and basins; to raise the level of the waters in such storage reservoirs or basins by augmenting the supply of stored water from sources other than the natural drainage area by means of pumping or otherwise; to retain and discharge said stored water; to build, maintain and operate pipes, conduits, penstocks, tunnels and canals for the purpose of augmenting and discharging said stored water for use by such persons, firms or corporations for working their water mill or mills. Such persons, firms or corporations are also authorized and empowered to flow such lands as may be necessary to carry out the purposes of this section, and damages caused by the flowing of such lands by means of said dams, other works and structures shall be ascertained and determined in the manner as prescribed in this chapter.

Sec. 39-B. Authorized to acquire lands and rights of way for pipes, conduits, penstocks, tunnels and canals by eminent domain; assessment of damages. Any person, firm or corporation authorized and empowered to build, maintain and operate pipes, conduits, penstocks, tunnels and canals under section 39-A is further authorized and empowered to exercise the right of eminent domain by taking and holding as for public uses in the manner and subject to the limitations prescribed in chapter 52, section 12, such lands and rights of way as such person, firm or corporation may require for such purposes when the water which will be stored, retained and discharged through the use of such pipes, conduits, penstocks, tunnels and canals will be devoted to public uses. All proceedings relating to damages caused by the building, maintaining and operating of said pipes, conduits, penstocks, tunnels and canals shall be ascertained and determined in the same manner as prescribed in said chapter 52, sections 13 to 22.'

Sec. 2. Saving clause. In any clause, sentence or provision of the Revised Statutes of 1954, chapter 180, sections 39-A and 39-B shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder of said sections or the other provisions of said Revised Statutes of 1954, chapter 180, but shall be confined in its operation to the clause, sentence or provisions of said sections 39-A and 39-B directly involved in the controversy in which such adjudication shall have taken place.