

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1879.

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PUBLIC LAWS

OF THE

STATE OF MAINE.

1879.

Chapter 137.

An Act additional to chapter ninety-two of the Revised Statutes, concerning Mills and Mill Dams.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Act additional to ch. 92, R. S. Owners of mills or water power may petition county commissioners for right to raise ways and enlarge water vent.

Commissioners to appoint hearing and give notice. Notice, what and how proved.

Commissioners to meet, examine premises and hear parties. Their determination and how it shall be carried into effect. Expenses and costs how borne.

If decision is in favor of petitioners,—proceedings.

Proceedings if decision is against petitioners.

Parties aggrieved may appeal.

This act not to affect flowage rights.

SECT. 1. When the owners of mills carried by the water of a stream, or the owners of water power for operating mills, find or apprehend that the necessary head of water for working or reservoir purposes, cannot be obtained, or when their existing rights in respect to the same cannot be exercised without overflowing some highways or town ways, they may petition the county commissioners for permission to raise said ways and enlarge the water vent thereof. Such commissioners shall appoint a time and place for a hearing on the petition, and give notice thereof to all parties interested, as provided in section two of chapter eighteen of the revised statutes, and such notice may be proved in the manner provided in said section.

SECT. 2. On the day appointed, they shall meet, examine the premises described in the petition, and hear the parties present, and thereupon they shall determine whether said ways shall be raised and the water vents enlarged, and to what extent, and prescribe the manner in which it shall be done, and what portion of the expenses thereof and the costs of the hearing shall be borne by the petitioners, and what portion, if any, by the town where the way is located.

SECT. 3. If the decision is in favor of the petitioners, said commissioners shall direct the town, in writing, to make the alterations prescribed, and fix the time within which the same shall be done, and if not done within the time fixed, the same may be done by the petitioners, and whether done by the town or by the petitioners, it shall be done in a faithful manner and to the acceptance of the commissioners; and whichever party shall make said alterations shall have a claim upon the other party for the proportion fixed by the commissioners for said other party to pay, and if the same is not paid within thirty days after its approval by said commissioners and a demand therefor, it may be recovered in an action on the case.

SECT. 4. If the decision of the county commissioners is against the petitioners, they shall pay the costs of the hearing, taxed as in other cases before county commissioners.

SECT. 5. Any party aggrieved by the decision of said commissioners, may appeal therefrom in the same manner and subject to the same conditions as is provided in case of highways.

SECT. 6. Nothing in this act shall be construed to affect any right of flowage or damage therefor.

Approved March 1, 1870.