

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
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1907

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

Chapter 206.

An Act additional to Chapter one hundred seventy-four of the Private and Special Laws of nineteen hundred three, relating to the West Branch Driving and Reservoir Dam Company.

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

Section 1. The West Branch Driving and Reservoir Dam Company, incorporated under chapter one hundred seventy-four of the private and special laws of nineteen hundred and three, is hereby authorized and empowered to rebuild and raise its present dam at Ripogenus falls or to build and maintain a new dam at said falls at some point within fifty feet below and five hundred feet above its present dam to such a height as will raise the water four and one-half feet above the maximum level of the surface of Chesuncook lake as flowed by the present Chesuncook dam, for the purpose of facilitating the driving of logs and lumber and of storing water for the use of any mills or machinery which may use west branch water. If in rebuilding or increasing the height of the present Ripogenus dam or in building the dam authorized by this act the said West Branch Driving and Reservoir Dam Company shall take or flow out any water power belonging to private individuals below Chesuncook dam or below the dam authorized by this act, the owner or owners of said power shall receive full compensation therefor, and if the parties cannot agree upon said compensation then the same may be recovered in an action on the case by said owner or owners in the supreme judicial court for the county of Penobscot. Said West Branch Driving and Reservoir Dam Company shall not have the right to use the water at said dam for any other purpose than that of driving logs and supplying water to any mills or machinery which may use west branch water and cannot generate electricity for any person or corporation to the detriment of private owners of power privileges below or above said dam.

Section 2. Nothing in this act shall be held to restrict, modify or abridge the rights, powers, duties and obligations of said company under its original act of incorporation except that in case the water raised by the dam authorized by this act shall at any time flow back upon, or over, the Chesuncook dam to such an extent as to render the handling of gates in said Chesuncook dam impracticable, then during such time the commission authorized in section ten of said act of incorporation shall have and exercise its powers over the dam authorized by this act instead of over said Chesuncook dam.

Authorized to rebuild present or build new dam at Ripogenus falls.

—compensation to private parties.

—how recovered, if parties disagree.

—restriction.

Original act of incorporation not abridged.

—exception.

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May take
and hold
lands.

Section 3. Said company for the purpose of rebuilding and raising or erecting, maintaining and repairing the dam authorized by this act is hereby given the right to purchase or to take and hold any lands and materials necessary for erecting, abutting, maintaining and repairing such dam, together with the necessary wing dams and dykes to make the same effective.

—shall file
plan of
location of
lands taken.

Said company shall file in the registry of deeds for the county of Piscataquis, a plan of the location of such land as it takes under this act, and no entry for the purpose of taking lands shall be made on any lands owned by other persons except to make surveys, until the expiration of ten days from the time of such filing.

Liability for
damages.

Said company shall be held liable to pay all damages for the land and materials so taken, and if any person sustaining damages as aforesaid shall not agree with the company upon the sum to be paid therefor, the party or parties suffering such damage may maintain an action on the case for his or their damages in the supreme judicial court to be commenced in the county of Penobscot.

Damages,
how
recovered.

Section 4. All damages for flowage caused by such increased height except for water power as provided in section one may be recovered in accordance with the provisions of chapter ninety-four of the revised statutes known as the 'Mill Act.'

Section 5. This act shall take effect when approved.

Approved March 13, 1907.

Chapter 207.

An Act to set off the real estate of Mary E. Warren from the Town of Brownfield and annex it to the Town of Denmark.

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

Real estate
of Mary E.
Warren,
set off.

All the real estate now owned by Mary E. Warren of Brownfield in the county of Oxford and state of Maine, situated in said town of Brownfield and adjacent to the town of Denmark, is hereby set off from said town of Brownfield and annexed to the town of Denmark, in said county of Oxford.

Approved March 13, 1907.