

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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

AUGUSTA
KENNEBEC JOURNAL PRINT
1909

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fourth
Legislature

1909

CHAP. 359

upon vote of the town therefor, at any regular or special meeting of said town, under an article in the warrant for such meeting; and said vote shall specify the mode of executing a deed by the town for such conveyance, specifying the property and interest of the town therein.

Sums received, how appropriated.

Section 2. Any sums received for such sales shall be appropriated and paid on the outstanding debt of the town, or in the repair and improvement of its school buildings.

Approved April 1, 1909.

Chapter 359.

An Act authorizing George R. Ketchum, his heirs and assigns, to erect and maintain a dam across Big Machias Stream on lots numbered fifty-five and fifty-six in the town of Ashland, and to maintain piers and booms in Big Machias Stream in the town of Ashland and in Garfield Plantation.

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

Dam authorized across Big Machias stream.

Section I. George R. Ketchum of Ashland, his heirs and assigns, are hereby authorized and empowered to erect and maintain a dam across Big Machias stream, so called, in the town of Ashland on lots numbered fifty-five and fifty-six, for the purpose of raising a head of water and facilitating the driving of logs and lumber down the same; also to erect and maintain piers and booms in said stream in said town of Ashland and in Garfield plantation, for the purpose of holding all logs and other lumber coming down said stream and destined for use or manufacture by said Ketchum.

—piers and booms authorized.

—may restrain natural flow of water.

Said Ketchum is authorized to impound and restrain the natural flow of said waters only when and in so far as is necessary for log-driving purposes. The dam authorized by this act shall not be used for power purposes.

—all property, rights, etc., subject to be taken over by the state.

All the property, rights and franchises within the state of Maine acquired, erected, owned, held or controlled by the said Ketchum, or his heirs and assigns, at any time after this act shall take effect, under and by virtue of the terms thereof, shall be subject to be taken over by, and become the property of, the state of Maine, whenever said state shall determine, by appropriate legislation, that the public interests require the same to be done. Upon the taking effect of such legislation, the ownership of said property, rights and franchises shall immediately be transferred to, and vest in, said state of Maine, and said state shall pay to said corporation the fair value of all the same, excepting, however, such franchises and rights as are

conferred upon said Ketchum under and by virtue of the provisions of this act, which said franchises and rights shall be wholly excluded in the determination of the amount to be paid to said Ketchum by said state of Maine.

Section 2. Said Ketchum, his heirs and assigns, may enter upon such lands as are necessary for the erection of the piers and booms mentioned in this act, and connecting the same with the shores, and may with its agents and teams pass and repass over said shores to and from the same over the land of other persons for the purposes aforesaid and for the operation and management of said booms; and if the parties cannot agree upon the damages to be paid the owners of said lands, said damages shall be ascertained and determined by the county commissioner of the county of Aroostook in the same manner, and under the same conditions and limitations, as are provided by law in case of damages in laying out highways; and said Ketchum may flow contiguous lands so far as necessary, to raise suitable heads of water, and for such damage occasioned by flowing land, said Ketchum shall not be liable to an action at common law, but the person injured may have a remedy by complaint for flowage, in which case the same proceedings shall be had as when a complaint is made under the statute of this state for flowing land occasioned by raising a head of water for the working of mills.

Section 3. All other logs and lumber than those provided for by section one held by, or found in said boom, shall be turned out thereof by him at his own charge, and in no case shall any such logs or lumber be unreasonably obstructed or delayed in its passage down said stream.

Approved April 1, 1909.

May enter on lands.

—pass and repass over shores.

—damages, how determined, if parties cannot agree.

—may flow lands.

—damage for flowage.

Shall not unreasonably delay passage of logs.

Chapter 360.

An Act to regulate Fishing in the Bagaduce River and the tributaries in the towns of Castine, Penobscot and Brooksville in the county of Hancock.

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

Section 1. No person shall use any weir, seine, trap or any other contrivance in catching, fishing for or taking fish in the Bagaduce river or any of its tributaries, in the towns of Castine, Penobscot and Brooksville in the county of Hancock, except by the use of gill nets, and permanent weirs, with not less than fifty poles, constructed of laths, brush, wire or twine.

Fishing in Bagaduce river and tributaries, regulated.