

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

1921

[supplied from page 3 of volume]

Chapter 196.

An Act to Provide for the Removal of Property from Lands Intended to be Flowed and the Assessment of Damages Caused thereby, when such Property, if Flowed, will Constitute a Menace to Persons or Property.

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

Sec. 1. Timber and other property on lands about to be flowed by the erection of a dam may be ordered removed on petition to supreme judicial court. When any person or corporation shall have decided to erect a dam across a non-navigable stream under the provisions of chapter ninety-seven of the revised statutes or under special authority granted by the legislature, and shall have filed the specifications required by section nine, chapter one hundred and thirty-two of the public laws of nineteen hundred and nineteen, and it appears that standing timber or other property of value upon the land intended to be flowed will constitute a menace to the safety of such person or corporation or to persons or property upon and along the banks of said stream below the intended location of said dam, the supreme judicial court shall have jurisdiction in equity, upon petition of such person or corporation, to authorize said petitioner to remove and sell such timber or other property and to order the payment to the owner thereof of the gross proceeds of such sale and such further sum, if any, as said court shall deem just. Said court shall require the petitioner to furnish security for such payment and for an additional penalty not less than double the amount to be received from such sale and shall include in its decree a condition that such additional sum shall be paid to said owner as damages if the dam is not completed and the land flowed within a time to be therein specified; provided, however, that such time may be extended for good cause shown.

Sec. 2. How damages shall be assessed. Damages caused by flowage of lands from which timber or other property shall have been removed under section one of this act shall be assessed as though there had been no severance, and the amount paid for such timber or other property with interest to the date of the judgment shall be credited thereon, provided that the owner of the land shall have the right to elect whether his damages shall be assessed for flowage as of the time of taking or of flowing.

Approved April 9, 1921.