

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 92.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to amend sections seven and forty and to
repeal section thirty-one of chapter eighteen of the
revised statutes, relating to damages for locating,
altering and discontinuing ways.

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

SECTION 1. Section seven of chapter eighteen of
2 the draft of the fourth revision of the general and
3 public laws is amended by substituting for the first
4 sentence of said section all of the first four lines of
5 section thirty-one of said chapter except the last
6 two words of the fourth line "but the," after the
7 semi-colon; also by adding to said section seven
8 the remainder of the first sentence of said section
9 thirty-one, so that said section seven of chapter
10 eighteen shall read as follows:

11 *Sect. 7.* If any person's property is damaged by
 12 laying out, altering or discontinuing a highway or
 13 town way, the commissioners or municipal officers
 14 of towns shall estimate the amount, and in their
 15 return state the share of each separately; they
 16 (the damages) are to be allowed to the owners of
 17 reversions, and remainders, and to tenants for life,
 18 and for years, in proportions to their interests in
 19 the estates taken; but they (the commissioners or
 20 officers) shall not order such damages to be paid,
 21 nor shall any right thereto accrue to the claimant,
 22 until the land over which the highway or alteration
 23 is located, has been entered upon and possession
 24 taken, for the purpose of construction or use.

SECT. 2. Section forty of said chapter eighteen
 2 is also amended by adding thereto the following:
 3 "When town or private ways are finally located by
 4 municipal officers, unless the land is entered upon
 5 and possession taken for said purpose within two
 6 years after the laying out or alteration, the pro-
 7 ceedings shall be void," so that said section shall
 8 read as follows:

9 *Sect. 40.* Where a town, private or highway,
 10 is wholly or partly discontinued by the commis-
 11 sioners, a time is to be fixed for it. And when

(3)

12 laid out by them the way is to be regarded as dis-
13 continued, if not opened within six years from the
14 time allowed therefor. (When town or private
15 ways are finally located by municipal officers, un-
16 less the land is entered upon and possession taken
17 for said purpose within two years after the laying
18 out or alteration, the proceedings shall be void.)
19 Section thirty-one of said chapter eighteen is
20 repealed.

STATE OF MAINE.

IN SENATE, March 10, 1883.

Reported by Mr. STUBBS of Franklin, from the Committee on
Legal Affairs, laid on the table to be printed under the Joint Rules.

C. W. TILDEN, *Secretary*.