

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

SENATE

NO. 63

In Senate, Feb. 2, 1911.

*Introduced in House Feb. 1, 1911, by Mr. Dutton of China
and on motion by Mr. Gowell of York was laid on table pending
reference.*

W. C. HANSON, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

AN ACT relative to condemnation proceedings of land for public purposes.

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

Section 1. The owner of property which is the subject of
2 appropriation for public purposes shall have the right to
3 have the necessity of the particular appropriation deter-
4 mined after hearing.

Sect. 2. The determination of the necessity of any partic-
2 ular appropriation except where otherwise provided for by
3 law shall be made by the County Commissioners of the
4 county wherein the property is situate providing the owner
5 of the land in question shall file in the office of the Clerk of

6 Courts of that county within thirty days from the beginning
7 of condemnation proceedings a petition addressed to the
8 County Commissioners and requesting decision of the neces-
9 sity of the appropriation.

Sect. 3. Upon filing of the petition provided for in Section
2 two of this act the Clerk of Courts shall forthwith cause a
3 copy of the same to be mailed to each of the County Com-
4 missioners and to any officer of the corporation seeking to
5 acquire the land in question upon whom service of legal
6 precepts may now be made.

Sect. 4. The County Commissioners shall fix a time for
2 hearing upon any petition provided for in this act which
3 hearing shall be within thirty days after the filing of such
4 petition in the Clerk of Courts office by giving written notice
5 to the petitioner and to the corporation seeking to acquire
6 said land of the time so fixed.

Sect. 5. At the hearing provided for by this act all parties
2 in interest shall be heard either in person or by attorney and
3 witnesses may be summoned by either party and attendance
4 compelled as in hearings now provided for by law and the
5 burden of proof to show the necessity of the particular tak-
6 ing shall rest upon the corporation seeking to acquire the
7 property.

Sect. 6. The decision of a majority of the County Com-
2 missioners shall be final as to questions of fact.

Sect. 7. In the event of a commissioner being personally
2 interested the chairman of the board shall procure the at-

3 tendance of any disinterested commissioner from an ad-
4 joining county and his actual expenses and compensation
5 shall be paid by the county wherein the hearing is had, the
6 compensation of such commissioner from an adjoining coun-
7 ty shall be exclusive of expenses five dollars per day.

Sect. 8. The prevailing party shall be entitled to costs
2 taxed by the clerk of the Board of County Commissioners
3 as in actions at law in the Supreme Judicial Court to be en-
4 forced by an action of debt.

Sect. 9. Upon the commencement of condemnation pro-
2 ceedings the corporation seeking to thus acquire land unless
3 otherwise provided by law may file in the Clerk of Court's
4 office wherein such land is situate a petition asking that the
5 necessity of such taking may be determined whereupon pro-
6 ceedings shall be had as in the case of a petition by the land-
7 owner.