

# MAINE STATE LEGISLATURE

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**EIGHTY-FOURTH LEGISLATURE**

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**House Document**

**No. 499**

H. P. 1444      House of Representatives, Feb. 27, 1929.

Referred to Committee on Ways and Bridges and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Kitchen of Presque Isle.

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**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE**

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**AN ACT** Relating to State and State Aid Highways.

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

Section eleven of chapter twenty-five of the revised statutes is hereby amended by striking out after the word "county" in the twelfth line thereof the words, "If the commission is unable to purchase such material or land with necessary ways and access thereto at what it deems a reasonable valuation, the county commissioners of the county wherein such material or land is located shall, on petition of the commission or interested parties, ascertain and determine the damages in the same manner as provided by stat-

10 ute for land taken for highway purposes, and all parties  
11 aggrieved by the estimate of damage shall have like reme-  
12 dies as provided by statute for appraisal of damages for  
13 land taken by towns for highway purposes, and such dam-  
14 ages shall be paid by the treasurer of state, from the appro-  
15 priate funds provided under this chapter," and inserting in  
16 place thereof, the words: 'Whenever the commission shall  
17 take material or land as herein provided, to the injury of  
18 any owner of such material or land, he may within six  
19 months apply in writing to the commission setting forth the  
20 injury complained of and the damages claimed therefor; the  
21 commission shall view the land taken as aforesaid and assess  
22 the damages, if any, that have been occasioned thereby, and  
23 may require same to be paid by the treasurer of state from  
24 the appropriate funds provided under this chapter. Any  
25 person aggrieved by said assessment may have the damages  
26 determined on complaint to the supreme judicial court. The  
27 proceedings on said complaint shall be as described in sec-  
28 tion eight of chapter twenty-four. The said complaint shall  
29 be filed at the term of the supreme judicial court next to  
30 be held within the county where the land is situated, after  
31 sixty days from the date of assessment of damages by the  
32 commission,' so that said section, as amended, shall read  
33 as follows:

'Sect. 11. The commission may purchase, take over, and  
2 hold for the state as for public use such materials and land  
3 as may be necessary to provide a change of location or

4 alignment of any state or state aid highway as herein desig-  
5 nated, or to secure materials, including clay, gravel, sand  
6 and rock, with necessary ways and access thereto, for the  
7 improvement, construction, and maintenance of state and  
8 state aid highways under the provisions of this chapter.  
9 Whenever the commission determines that public exigency  
10 requires the taking of land as aforesaid, it shall cause the  
11 same to be surveyed and described and a plan thereof and  
12 said description to be recorded in the registry of deeds for  
13 the county or registry district where the same is located,  
14 and notice thereof shall be given in some newspaper, if any,  
15 published wholly or in part in said county. Whenever the  
16 commission shall take material or land as herein provided,  
17 to the injury of any owner of such material or land, he may  
18 within six months apply in writing to the commission setting  
19 forth the injury complained of and the damages claimed  
20 therefor; the commission shall view the land taken as afore-  
21 said and assess the damages, if any, that have been occa-  
22 sioned thereby, and may require same to be paid by the  
23 treasurer of state from the appropriate funds provided  
24 under this chapter. Any person aggrieved by said assess-  
25 ment may have the damages determined on complaint to the  
26 supreme judicial court. The proceedings on said complaint  
27 shall be as described in section eight of chapter twenty-four.  
28 The said complaint shall be filed at the term of the supreme  
29 judicial court next to be held within the county where the  
30 land is situated, after sixty days from the date of the assess-

31 ment of damages by the commission. The commission may  
32 vacate any land or part thereof or rights in land which have  
33 been taken or acquired for highway purposes under the  
34 provisions hereof, by executing and recording a deed there-  
35 of, and such action shall revert the title to the lands or  
36 rights so vacated in the persons, their heirs and assigns, in  
37 whom it was vested at the time of the taking, and the value  
38 at the time of vacation may be pleaded in mitigation of  
39 damages in any proceedings therefor on account of such  
40 taking. The governor and council on recommendation of  
41 the commission may sell and convey on behalf of the state  
42 the interests of the state in property acquired by purchase  
43 under this section and deemed no longer necessary for the  
44 purposes hereof, and the proceeds of such sale shall so far  
45 as practicable be credited to the fund from which such  
46 purchase was originally made.'