

MAINE STATE LEGISLATURE

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N I N E T Y - F O U R T H L E G I S L A T U R E

Legislative Document

No. 1213

H. P. 1873

House of Representatives, March 3, 1949.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Brown of Wayne.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Establishing Boundaries of State Highways.

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

R. S., c. 20, § 16-A, additional. Chapter 20 of the revised statutes, as amended, is hereby further amended by adding thereto a new section to be numbered 16-A, to read as follows:

'Sec. 16-A. Commission may establish highway boundaries; procedure; damages; adverse possession denied. The commission may establish the boundary lines, limits or locations of any or all state highways and state aid highways and cause durable monuments to be erected at the angles thereof. Whenever in the opinion of the commission the boundary lines, limits or locations of any state highway or state aid highway, or any part thereof shall become lost, uncertain or doubtful, they may reestablish the same as, in their opinion, they were originally established. They shall file with the town clerk of the town in which the highway is located and with the registry of deeds in the county in which the highway is located, maps showing the boundary lines, limits or location of such reestablished highway, and such lines, boundaries, limits and location, as reestablished, shall be the lines, boundaries, limits and location of such highway. The commis-

sion shall post descriptions, of such parts of such highways as lie within any towns, in 3 public places in such towns, and shall publish a description of such parts of such highways as lie within any county, in some newspaper, if any, in such county. Any person aggrieved by the reestablishment of such boundary lines, limits and location may petition for the assessment of damages to the superior court in the county where the reestablished highway is located within 60 days from the filing of such maps with the registry of deeds, and not thereafter, and the court shall assess the damages, if any, by jury, provided such reestablished boundary lines, limits or location are not the same as originally established. The commission shall pay from the funds of its department all expenses incurred hereunder and the amount of final judgment and costs; except that the amount of the final judgment costs shall be paid by the petitioner if such petitioner fails to recover any damages.

No person shall acquire, as against the public, any right to any part of a highway by enclosing or occupying it adversely for any length of time.'