

MAINE STATE LEGISLATURE

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CHAPTER 3
OFFICIALS AND THEIR DUTIES

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SUBCHAPTER I

STATE HIGHWAY COMMISSION

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§ 51. Appointment; tenure; reports

The State Highway Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor with the advice and consent of the Council. One member shall be a member of the political party which cast the 2nd highest number of votes in the last gubernatorial election. One member shall be appointed by the Governor as chairman who shall devote each full working day to his duties and whose salary shall be fixed by the Governor and Council. The term of office of the chairman shall be 7 years, subject only to removal for cause. The other members of the commission shall receive \$5,000 per year and shall be appointed for a term of 3 years and any vacancies shall be filled for the unexpired term. Each member of the commission,

except the chairman, shall receive his actual expenses incurred in the performance of his official duties while away from his home. The Attorney General shall be attorney for the commission and shall, without additional compensation, give the commission such advice and service as it may from time to time require. The commission shall be furnished with suitable offices at the seat of government. It shall make an annual report for the fiscal year ending June 30th, to the Governor and Council, of its doings and the expenditures of its office, with such statement relative to the construction and maintenance of public highways and such recommendations as to the general policy of the State relative thereto as it considers appropriate. The chairman shall be the chief administrative officer, having general charge of the office and records, but all policy decisions of the commission must be by a majority of its total membership.

R.S.1954, c. 23, § 3; 1957, c. 418, § 7; 1959, c. 361, § 6-A.

§ 52. General powers and duties

The commission may from time to time make and shall enforce rules and regulations relating to construction, maintenance and use of all state and state aid highways and all other highways to which the State contributes by law for the improvement thereof, and relating to the manner of conducting all investigations and hearings and the administration of its office, powers and duties, subject to chapters 1 to 19; and shall direct the expenditure of all moneys for construction, maintenance and use of all state and state aid highways and of all other highways for which state funds are provided by law. It may obtain leases for such land and office space as it deems necessary for the performance of its duties.

By consent of all parties in interest, any investigation, inquiry or hearing which the commission is authorized to hold may be held by a single member of the commission, and his finding, when approved by the commission and so shown on its records, shall be deemed to be the finding of the commission.

Except as otherwise provided in chapters 1 to 19, the purchase of supplies, materials and equipment for highway maintenance and construction purposes shall be made through the State Purchasing Agent as provided by law. The commission may be consulted by and shall, without charge, advise municipal officers and road commissioners on the subject of construction and maintenance of public highways, bridges and other structures. The commission shall whenever practicable give prefer-

ence in employment to the inhabitants of the town in which such highways are located.

R.S.1954, c. 23, § 27.

§ 53. Classification of highways

The commission shall cause charts and maps to be made showing the location and mileage of all highways in the State, and shall classify the highways of the State, and may from time to time amend such classification, namely: 1st, state highways, which shall mean a system of connected main highways throughout the State; 2nd, state aid highways, which shall mean such highways not included in the system of state highways as shall be thoroughfares between principal settlements, or between settlements and their market or shipping point and in so far as practicable feeders to the state highway; 3rd, town ways, which shall mean all other highways not included in the first 2 classes, which are maintained by the towns.

R.S.1954, c. 23, § 5; 1957, c. 336, § 1.

§ 54. Highway openings

Wherever highways maintained by the State are affected, whether said highways are situated in cities, towns or plantations, the commission shall have all and the same rights, powers and duties in connection therewith as are granted to cities in city streets by sections 3351 to 3359, and to cities and towns by Title 35, sections 2346 and 2349. Whenever the opening fee provided by section 3354 or by Title 35, section 2351 has been paid to the commission and a permit for digging up and opening a highway maintained by the State has been issued by the commission, the holder of said permit shall be entitled to make the opening described therein without the payment of fees to the city or town or village corporation in which the street, road or highway to be opened is situated.

R.S.1954, c. 23, § 30.

§ 55. Assistance in collection of gas tax

The commission may assign any person in the employ of the State Highway Department to act in conjunction with state, county or town officers to enforce collection of the tax on gasoline. No such person shall be so assigned unless his duties as an employee of said department permits such assignment or if otherwise he would be unemployed.

R.S.1954, c. 23, § 33.

§ 56. Officers to enforce orders regarding restricted travel; sheriffs

The commission may appoint any person in its employ whose special duty it shall be to enforce the statutes and orders promulgated thereunder which prohibit or restrict the passage of vehicles and trailers over ways and bridges, or designated sections thereof, under such conditions or in such manner as may cause undue damage to any such way or bridge. Every such person shall be appointed in writing by the commission to serve during its pleasure and shall have the same power as sheriffs and their deputies to arrest and prosecute all persons caught violating said statutes and orders within the territorial limits designated in his appointment. He shall be entitled to the same fees as sheriffs and their deputies for like services.

R.S.1954, c. 23, § 34; 1961, c. 395, § 12.

§ 57. Cooperation and acceptance of federal funds

"Title 23, United States Code," and all other Acts amendatory thereof and supplementary thereto, are assented to. The State Highway Commission is authorized and empowered to accept, for the State, federal funds apportioned under said code as amended and supplemented, to act for the State, in conjunction with the representatives of the Federal Government, in all matters relating to the location and construction of highways to be built with federal aid pursuant to said code, and to make all contracts and do all things necessary to cooperate with the United States Government in the construction and maintenance of public highways in accordance with said code, as amended and supplemented.

R.S.1954, c. 23, § 15; 1959, c. 86.

§ 58. Supplies from Federal Government

The commission is authorized and empowered to obtain from the Federal Government or any agency thereof, through purchase or gift, supplies, materials and equipment which is adaptable to highway maintenance and construction. Such supplies, materials and equipment may be sold, leased or given by the commission to the several towns in the State which make a written request therefor, on such terms and conditions as the commission, in its discretion, deems necessary.

R.S.1954, c. 23, § 17.

§ 59. —Uniform numbering system

The commission is authorized to cooperate with the Federal Government in formulating and adopting a uniform system of numbering or designating roads of interstate character within this State, and in the selection and erection of uniform danger signals and safety devices for the protection and direction of traffic on said highways.

R.S.1954, c. 23, § 16.

§ 60. Town cooperation

Towns are authorized to enter into agreements with the State Highway Commission for the expenditure of town funds for maintenance and repair of town roads. The commission is authorized, when requested by towns, to accept town funds for expenditure under its direction.

R.S.1954, c. 23, § 29.

§ 61. Land acquired may be vacated, sold or leased

The commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under chapters 1 to 19, by executing and recording a deed thereof, and such action shall revert the title to the lands or rights so vacated in the persons, their heirs and assigns, in whom it was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any proceedings therefor on account of such taking. The Governor and Council on recommendation of the commission may sell and convey on behalf of the State the interests of the State in property taken or acquired by purchase under chapters 1 to 19 and deemed no longer necessary for the purposes hereof, and they may lease such interests in such property pending such sale or the advantageous use of such property for highway purposes.

The proceeds of such sales or leases shall, as far as practicable, be credited to the fund from which payment was made for the land.

R.S.1954, c. 23, § 24.

§ 62. Record of locations and changes

Whenever the commission shall establish and locate or change the location of a state highway or state aid highway, or any town shall establish and locate or change the location of a

highway that was designated as a 3rd class highway at the time that the 3rd class highway designations were rescinded, in any county of this State where the establishing and locating change the present location of any road, the said commission or the town shall cause to be filed with the county commissioners of the county in which any such road is located an accurate description of its metes and bounds, and courses and distances, and an accurate plan of such location.

R.S.1954, c. 23, § 14; 1961, c. 395, § 10.

§ 63. Records of right-of-way division confidential

The records and correspondence of the right-of-way division of the commission relating to negotiations for and appraisals of property, pending the final settlement for all claims on the project to which they relate and the records and data of the said commission relating to engineering estimates of costs on projects to be put out to bid, shall be confidential, and shall not be open for public inspection, except that the records and correspondence of the right-of-way division relating to negotiations for and appraisals of property shall be open for public inspection after 9 months following the completion date of the project according to the record of the commission, not including those claims which have been appealed to the Superior Court, said records to be open for public inspection following the award of the court.

1959, c. 223, § 2.

§ 64. Enforcement of provisions

The commission shall cause complaint to be entered against any offender of section 3252, when the way obstructed or affected by the obstruction is maintained by the State. The fines recovered in such cases shall be paid to the Treasurer of State for the use of the State Highway Maintenance Fund.

R.S.1954, c. 23, § 31.

SUBCHAPTER II

HIGHWAY SAFETY COMMITTEE

Sec.

101. Establishment; designation.
102. Officers and executive board.
103. Powers and duties of executive board.
104. Advisory committee; meetings.
105. Executive secretary.

§ 101. Establishment; designation

In recognition that safety on public streets and highways is a joint responsibility of public officials and private citizens and that there is need for the State of Maine to stimulate active support for highway safety measures and action programs originating among official agencies and citizen groups, a highway safety committee, as heretofore created, is established and shall be known as the Maine Highway Safety Committee.

1963, c. 120, § 1.

§ 102. Officers and executive board

The affairs of the committee shall be conducted by an executive board consisting of not less than 15 nor more than 25 members, selected from civic, religious, industrial and similar groups and organizations with interests relating to traffic safety, said members to be appointed by the Governor for terms of 2 years, except, to provide that all appointments do not expire at the same time, approximately $\frac{1}{2}$ of the total number of members' initial appointments shall be for one year. In addition, the Governor shall appoint from the membership of the executive board a chairman, and the executive board shall elect a vice-chairman, said officers to assume the duties customary with their offices. The terms of the chairman and vice-chairman shall be for 2 years.

1963, c. 120, § 1.

§ 103. Powers and duties of executive board

1. Safety programs. The executive board shall develop, administer and promote street and highway safety action programs throughout the State of Maine.

2. Safety recommendations. It shall formulate and recommend to the Legislature specific measures which, in its opinion, will prevent traffic accidents.

3. Report. It shall make, through its chairman, a written report annually to the Governor, said report to be made available to the public.

4. Subcommittees. It may appoint, at its discretion, subcommittees with membership recruited from the public at large to assist in formulating and administering committee programs and activities.

1963, c. 120, § 1.

§ 104. Advisory committee; meetings

The heads of the following state departments and agencies or their designated representatives shall constitute an Advisory Committee of State Officials: Attorney General, Secretary of State, Education, Highway Commission, State Police, Public Utilities Commission. Advisory committee members shall participate in the study of traffic safety problems and possible solutions, and shall in turn present to the executive board for its consideration matters of mutual concern originating in their departments.

The executive board and the advisory committee shall meet at least quarterly. In addition, the chairman may call special meetings of the executive board at his discretion. Members of the executive board and its officers shall serve without salary.

1963, c. 120, § 1.

§ 105. Executive secretary

The Governor shall appoint a person nominated by the executive board to be executive secretary for a term of 4 years and fix his salary.

1963, c. 120, § 1.

SUBCHAPTER III

LAND DAMAGE BOARD

Sec.

- 151. Purposes.
- 152. Composition; appointment; powers.
- 153. Lands for highways and materials.
- 154. Condemnation proceedings.
- 155. Negotiation.
- 156. Hearing before board.
- 157. Appeals.
- 158. Withdrawal of money deposited.
- 159. Interpleader.

§ 151. Purposes

The purposes of this subchapter are to establish an independent, impartial board composed of men well learned in the elements that may be properly considered in the determination of fair market value of property taken in condemnation proceedings; to empower such board to make awards of just compensation in highway condemnations and to establish before such board a procedure designed to afford to any interested party an

opportunity to appear, present his case and have his rights fully protected without the necessity for retaining professional assistance; to thus provide to any interested party a prompt, efficient and inexpensive method of determination of just compensation and prompt payment of all or part of such compensation without prejudice to any right of appeal allowed.

1961, c. 295, § 3.

§ 152. Composition; appointment; powers

The Land Damage Board, as heretofore established, shall consist of 3 members. Two of said members shall be appointed by the Governor, with the advice and consent of the Council, one of whom shall be a qualified appraiser and the other an attorney at law. The attorney designated as a member of the board shall be its chairman. The first appointments shall be made for staggered terms of 2 and 3 years, as fixed by the Governor. Thereafter all appointments shall be made for 3-year terms. They shall be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor and Council. In case of a vacancy occurring through death, resignation or removal, the Governor, with the advice and consent of the Council, shall appoint a successor for the whole term of the member whose place he takes, subject to removal as aforesaid.

The Governor, with the advice and consent of the Council, shall set the rate of pay on a per diem basis which each member of the Land Damage Board shall receive and they shall be remunerated for all expenses necessarily incurred in the performance of their official duties.

In carrying out its duties, the board shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure. It shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant and unduly repetitious testimony. A majority of the board, being present, may determine all matters, but the chairman shall resolve all questions of admissibility.

The board shall have authority to make rules and regulations and prescribe forms to secure a speedy, efficient and inexpensive disposition of all proceedings. Each member of the board, for its official purposes, may administer oaths, certify to official acts and issue all process necessary to the performance of the duties of the board. It shall have a reporter to record each hearing.

The board shall maintain an office in Augusta and shall have a permanent clerk to keep its records and to perform such other duties as said board shall assign. The clerk shall have authority to certify to all official acts of the board, administer oaths, issue subpoenas, and issue all processes, notices, orders or other documents necessary to the performance of the duties of the board.

The board shall appoint and fix the compensation of a reporter, and shall review and approve all charges made by such reporter for transcripts of the record. They may appoint, subject to the Personnel Law, a clerk and such clerical assistance as they may deem necessary.

The 3rd member of the board shall be appointed for each hearing or series of hearings within the county where the land taken lies. He shall be a member of the board of county commissioners of the county wherein the land taken is situated and shall be appointed by the chairman of the Land Damage Board upon recommendation which shall be made, upon request, by the board of county commissioners of that particular county. In the event that any board of county commissioners should fail to make the required recommendation, then the chairman of the Land Damage Board may appoint a member of such board to serve. He shall be sworn by the chairman of the Land Damage Board and shall serve as a member of that board only for the particular hearing or hearings for which he is appointed. He shall participate fully in such hearings and the awards made as a result thereof. Each such member shall be paid at the same per diem rate as that fixed for other members of the board. Any member of a board of county commissioners thus designated shall serve only for the particular hearing or hearings set forth in his appointment and such service shall be as a member of the Land Damage Board and not in his capacity as a member of the board of county commissioners.

1961, c. 295, § 3.

§ 153. Lands for highways and materials

The commission may purchase or take over and hold for the State, such materials and land as it may deem necessary to lay out and establish, construct, improve or maintain, or to provide a change of location or alignment of, or to provide drainage for, or to provide for the health, safety and welfare of the public using, any state or state aid highway, or to secure materials, with necessary ways and access thereto, for the construction, improvement and maintenance of state and state aid highways.

Where land or material is to be purchased or taken over and held for the State, the commission shall first cause the property or interest therein necessary to be acquired to be surveyed and described and a plan thereof made and to be appraised by one or more appraisers who in making each appraisal shall contact the owner or one of the owners or his designated representative if reasonably possible.

1961, c. 295, § 3.

§ 154. Condemnation proceedings

If the commission determines that public exigency requires the taking of such land or material or any interest therein forthwith, or is unable to purchase such land or material or the necessary ways and access thereto at what it deems a reasonable valuation, or if the title is defective, it shall file in the registry of deeds for the county or registry district where the land is located a notice of condemnation which shall contain a description of the project specifying the property and the interest therein taken and the name or names of the owner or owners of record so far as they can be reasonably determined. The commission may join in the same notice one or more separate parcels of property whether in the same or different ownership and whether or not taken for the same use.

A copy of the notice of condemnation shall be served on the owner or owners of record. With said copy there shall be served on each individual owner of record a copy of so much of the plan as relates to the particular parcel or parcels of land taken from him and a statement by the commission with respect to the particular parcel or parcels of land taken from him which shall state:

1. Date of proposed possession. The proposed date of taking possession.

2. Compensation involving severance damage. Where the commission appraisals disclose severance damages, state the amount of compensation itemized in accordance with the commission's determination of the following elements of damage:

A. The highest and best use of the property at the date of taking;

B. The highest and best use of the property remaining after the taking;

C. The fair market value of the property before the taking;

- D. The fair market value of the property after the taking;
- E. The gross damage, showing separately:
 - (1) The fair market value of the real property taken,
 - (2) Severance damages including the impairment or destruction of facilities and structures;
- F. Special benefits, accruing to the remaining property by reason of the public improvement for which part of the property is taken, to be set off against the gross damage;
- G. Net damage and offering price.

3. Compensation not involving severance damage. Where the commission appraisals disclose no severance damages, state the amount of compensation itemized in accordance with the commission's determination of the following elements of damage:

- A. The highest and best use of the property at the date of taking;
- B. The highest and best use of the property remaining after the taking;
- C. The fair market value of the real property as of the date of taking;
- D. Special benefits, accruing to the remaining property by reason of the public improvement for which part of the property is taken, to be set off against the value of the property taken;
- E. Net damage and offering price.

4. Compensation in cases involving the facilities of a public utility. Where the condemnation involves the taking of established rights and facilities owned by a public utility and located outside of an established highway right-of-way, no statement by the commission as provided above shall be sent to the public utility concerned. In any negotiations for an agreement with such public utility with regard to such rights and facilities the commission shall consider, without being limited to, the following elements of damage:

- A. Relocation costs, which shall include the cost of acquisition of substitute rights and the cost of establishing either existing or substitute facilities in new location;
- B. The salvage value of facilities removed;
- C. Cost of removal;

D. The value of betterments where the function of the substitute facilities exceeds the function of the replaced facilities.

Service of the notice of condemnation with the copy of the plan and the statement by the commission shall be made by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court. The notice of condemnation only shall be published once in a newspaper of general circulation in the county where the property is located and such publication shall constitute service on any unknown owner or owners or other persons who may have or claim an interest in the property.

If such owner is a minor, or an incompetent person, the commission shall cause such notice to be served upon the legal guardian of such minor or incompetent. If there is no such guardian, then the commission shall apply to the judge of probate for the county wherein the property is situated, briefly stating the facts and requesting the appointment of a guardian. The reasonable fee of such guardian as approved by the court shall be paid by the commission.

In case there is a mortgage, tax lien of record or other encumbrance covering any of said land, a copy of the notice of condemnation shall be sent forthwith by registered or certified mail to the holder of record of said mortgage, tax lien or other encumbrance addressed to his office or place of abode if known, otherwise to the office, abode or address as set forth in said record.

The recording of the notice of condemnation shall be the date of taking and shall vest title to the property therein described in the State in fee simple or such lesser state as is specified in the notice of condemnation. Within one year after the completion of the project for which the land is taken, the commission shall file a plan for recording in the registry of deeds for the county or registry district where the land is located.

1961, c. 295, § 3.

§ 155. Negotiation

The commission shall have 60 days from the date of taking within which to negotiate with the owner or owners of record for an agreement as to the amount of just compensation. If, at the expiration of that time, no such agreement for just compensation has been made, the commission shall immediately file a petition with the Land Damage Board setting forth the pertinent facts including the names and addresses of the owner or owners of rec-

ord and the holders of any mortgages, tax liens or other encumbrances, a copy of the notice of condemnation, the statement of the commission and a plan of the property involved as served upon the owner or owners of record in accordance with section 154 and requesting a hearing and an award of just compensation.

1961, c. 295, § 3.

§ 156. Hearing before board

The Land Damage Board shall immediately enter the petition of the commission upon its docket and assign a date for hearing at the earliest possible date. Notice of the time and place for the hearing shall be mailed by registered or certified mail to the commission and to the owner or owners of record and to the holders of any mortgage, tax lien or any other encumbrance on the property involved at least 14 days before the date of the hearing. The hearing shall be held in quarters suitable for a full presentation of all evidence and located as conveniently as possible for all interested parties in the county where the land is situated. Before making an award the Land Damage Board shall view the property involved with or without the presence of the interested parties, but it shall first notify the interested parties of the time when it will view the property. The commission shall be represented at the hearing and may present in open hearing evidence as to title, engineering maps and data, and its opinion, evidence and appraisal or appraisals as to the fair market value of the property involved before and after the taking. An accurate and verbatim record of the proceedings before the Land Damage Board shall be kept and shall be furnished to the commission or other interested parties, upon request, and upon payment of a reasonable charge for transcribing and preparing such record. In making its award the Land Damage Board shall not be limited by the range of testimony produced before it but may reach its decision on the basis of the view, the testimony and its own judgment. The Land Damage Board may continue a hearing from time to time for cause shown or by agreement of parties; and where such continuance is made at the request of the landowner, may require that interest be waived for the period of the continuance.

As promptly as possible after the conclusion of the hearing, the Land Damage Board shall make an award in writing specifying:

1. **Owners and encumbrances.** The owner or owners of record and the holder of any mortgage, tax lien or other encumbrance;

2. Nature of interest taken. The nature of the interest taken;

3. Board's decision on elements of damage. The Land Damage Board's decision as to each of the elements of damage listed in section 154, subsection 2 or 3, or the elements of damage as set forth in section 154, subsection 4, and such other elements of damage as are legally compensable;

4. Interest on award. The interest, if any, due on the net amount of the award from the date of taking to the date of the award which shall be added to the net amount of the award.

An attested copy of each award shall be sent forthwith to the commission. The commission shall within 14 days designate to the Land Damage Board the award or awards from which it intends to appeal and forward to the Land Damage Board a check payable to the clerk of courts for the county where said land is situated for the use of the party or parties designated in the award. The Land Damage Board shall forthwith serve upon the party or parties named in the award an attested copy of the award together with a notice that the commission has expressed its intention to appeal the award and that the amount of the award will be paid in to the clerk of courts for the county in which the land is situated subject to withdrawal as provided in section 158, and shall forward such check together with an attested copy of the award to the clerk of courts aforesaid.

In all other cases the commission shall, within said 14 days, forward to the Land Damage Board a check payable to the party or parties named in the award and the Land Damage Board shall forthwith serve upon the party or parties named therein an attested copy of the award, the check aforesaid and a notice clearly outlining the rights of appeal. If the party or parties named in the award refuse to accept it and appeal therefrom to the Superior Court, the commission, upon notice from the Land Damage Board, shall forward to the Land Damage Board a check in the amount of the award payable to the clerk of courts for the county where the land is situated for the use of the party or parties named in the award which the Land Damage Board shall forthwith file with said clerk together with an attested copy of its award.

Service as required in this section shall be made by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court.

1961, c. 295, § 3.

§ 157. Appeals

The commission or any party or parties aggrieved by an award of the Land Damage Board may appeal therefrom to the Superior Court in the county where the land is situated within 30 days after the date of the receipt by the appellant of the notice of award. Such appeal shall be taken by filing a complaint setting forth substantially the facts upon which the case shall be tried like other cases. The appellant shall serve notice of such appeal on the opposing party and on the Land Damage Board by sending by registered or certified mail within the time above limited a true copy of said complaint and returning therewith to the Land Damage Board whatever check or checks that may have been forwarded to him with the notice of award.

The court shall determine the same by a verdict of its jury or, if all parties agree, by the court without a jury or by a referee or referees and shall render judgment for just compensation, with interest where such is due, and for costs in favor of the party entitled thereto.

If either the owner or owners of record or the commission appeal and the just compensation finally awarded, exclusive of interest, is less than the award of the Land Damage Board, exclusive of any interest allowed, then the court shall give judgment in favor of the commission for the excess of the award of the Land Damage Board, inclusive of interest, over the final award and for its costs from the time of appeal. Execution may be issued on such judgment.

If either the owner or owners of record or the commission appeal and the just compensation finally awarded, exclusive of interest, is not less than the award of the Land Damage Board, exclusive of any interest allowed, then the court shall give judgment to the owner or owners for the amount in which the final award is in excess of the money deposited in court, exclusive of any interest awarded by the Land Damage Board, and for interest on such excess from the date of taking and for costs from the time of appeal. No interest shall be allowed on so much of any award as has been paid into court. The clerk shall certify the final judgment of the court to the commission which shall enter the same of record, and order the same to be paid by the Treasurer of State.

In case of the decease of any person entitled to claim damages under this subchapter, the heirs, executors, administrators or assigns of such person shall have the right to prosecute the appeal provided for in this section under the same conditions and

limitations as the original owner had, and may be substituted for the appellant in any proceedings commenced by said appellant. In case any landowner assigns, transfers or sells his right to claim damages, his assignee, transferee or vendee shall have the same rights as above set forth.

1961, c. 295, § 3.

§ 158. Withdrawal of money deposited

If the commission or any party named in an award has duly taken an appeal from an award of the Land Damage Board in accordance with section 157 and the amount of the award has been paid in to the clerk of courts for the county in which the land is situated, the owner or owners of record named in the award may petition the Superior Court in said county for payment of all or any part of the money thus deposited for and on account of just compensation. The petition shall include:

1. Statement of ownership. A statement that the petitioner was the owner of record of the property at the date of taking, is entitled to just compensation and has not conveyed or transferred any of his rights;

2. Statement of encumbrances. A statement of the mortgages, tax liens or other encumbrances on the property involved;

3. Agreement to repay where others entitled. An agreement by petitioner that he will repay to the commission in whatever manner may be directed by the court all or any part of any sums of money withdrawn by order of the court, if it is determined by the court that another person or persons may be entitled to all or part of said money or that the damages to the property described are less than the amount of money withdrawn.

Upon said petition the court may order all or any part of the money thus deposited to be paid forthwith without prejudice to the petitioner's right to have the amount of compensation adjudicated in the appeal pending.

1961, c. 295, § 3.

§ 159. Interpleader

If difficult questions of law should arise before the Land Damage Board as to entitlement to or apportionment of just compensation, then it is authorized to make a blanket award to all parties interested. If no appeal is taken and no agreement is reached by the parties named in the award within 60 days from the date

of such award, the Land Damage Board shall certify the facts and legal questions to the commission. The commission shall then interplead the parties named in the award by a complaint filed in the Superior Court in the county wherein the land is situated and shall pay in the amount of said award to the clerk of courts of said county to be paid in accordance with the court's order. For purposes of this section the commission shall be acting to prevent double or multiple liability.

1961, c. 295, § 3.

SUBCHAPTER IV

CHIEF ENGINEER

Sec.

201. Appointment; tenure; duties; assistants.

§ 201. Appointment; tenure; duties; assistants

The commission shall, subject to the Personnel Law, appoint as chief engineer, a civil engineer, having experience in and knowledge of highway construction. He shall, under the direction and control of the commission, have general charge of the office, the records and all construction and maintenance work, and may, with the approval of the commission, and subject to the Personnel Law, employ necessary clerical assistance. He may, with the approval of the commission and subject to the Personnel Law, employ such other engineers, supervisors, assistants and help as he may deem necessary in the administration and execution of chapters 1 to 19.

R.S.1954, c. 23, § 4.