

MAINE STATE LEGISLATURE

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CHAPTER 11

**LAYING OUT, ALTERING AND DISCONTINUING
HIGHWAYS**

Sec.

- 651. State and state-aid highways.
- 652. Proceedings on damage claims.
- 653. Highway boundaries; procedure; damages.
- 654. Detour roads and signs.

§ 651. State and state aid highways

The commission may alter, widen or change the grade of any state or state aid highway whenever in its judgment the public exigency may require, and may lay out, establish and open a new highway as a state highway, and upon appropriate petition from municipal officers may lay out, establish and open a new highway as a state aid highway. It may discontinue a highway, or a portion thereof, as a state or state aid highway and the same shall be thereafter maintained by the town or county originally liable therefor except as otherwise provided.

The commission may construct ditches and drains to carry water away from any highway that is under its supervision or that it is constructing, and over or through any lands of persons or corporations when it deems it necessary for public convenience or for the proper care of such highway. No such ditch or drain shall pass under or within 20 feet of any dwelling house without the consent of the owner thereof.

Wherever, on or along public highways, ditches or drains have existed for a period of 20 years or longer, which cause water to be flowed away from the highway, there shall be a conclusive presumption that easements for such flowage from such ditches or drains exist, but only to the extent of the original flowage. This paragraph shall not apply in the cases protected by Title 35, section 1221.

R.S.1954, c. 23, § 19; 1955, c. 305.

§ 652. Proceedings on damage claims

Whenever the commission shall change the grade of any state or state aid highway as provided in chapters 1 to 19 to the injury of an owner of adjoining land, he may within 6 months after completion of the work according to the records of the

commission apply to the commission in writing for a determination and assessment of his damages. If the commission is unable to settle such damages at what it deems a reasonable amount, the commission or interested parties may apply to the Land Damage Board in writing for a determination and assessment of the damages. The proceedings shall then be the same as in condemnation cases.

R.S.1954, c. 23, § 22; 1955, c. 424, § 1; 1961, c. 295, § 5.

§ 653. Highway boundaries; procedure; damages

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. 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 commission shall post descriptions, of such parts of such highways as lie within any towns, in one conspicuous place 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 file a complaint 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 and the amount of final judgment and costs, except that the amount of the final judgment and costs shall be paid by the plaintiff if such plaintiff fails to recover any damages.

R.S.1954, c. 23, § 25; 1961, c. 317, § 30.

§ 654. Detour roads and signs

Whenever it becomes necessary to close a state or state aid highway to travel on account of construction, before such state

or state aid highway is closed, the commission shall establish the most practical detour road around the state or state aid highway to be constructed, have the same properly signed at all intersecting roads or streets indicating the principal town or city in either direction and cause the detour road to be put in proper condition to withstand the travel and maintained in such condition until the state or state aid highway being constructed or reconstructed is open to travel. If the commission neglects to so sign, establish or maintain such detour road the same shall be done by order of the Governor and Council. Whenever practicable, the travel shall be permitted to pass over a state or state aid highway under construction, and the commission shall then cause to be erected the following sign at either end of the construction work: "State road under construction. Pass at your risk. Maine State Highway Commission." Upon completion of the state or state aid highway the commission shall cause the immediate removal of all such signs and all detour signs.

R.S.1954, c. 23, § 26.