

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 4
Titles 21 to 25



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 301

GENERAL PROVISIONS

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§ 2701. Powers and duties

The road commissioner, under the direction of the selectmen, shall have charge of the repairs of all highways and bridges with-

in the towns and shall have authority to employ the necessary men and teams and purchase timber, plank and other material for the repair of highways and bridges. He shall give bond to the satisfaction of the selectmen and be responsible to them for the expenditure of money and discharge of his duties generally. His compensation shall be such sum as the towns shall annually vote therefor, which sum shall in no case be less than \$1.50 a day for every day of actual service. He shall render to the selectmen monthly statements of his expenditures and receive no money from the treasury except on the order of the selectmen.

R.S.1954, c. 96, § 85.

§ 2702. Regular inspections

Road commissioners shall go over the roads in their towns, or cause it to be done, in April, May, June, August, September, October and November in each year, remove the loose obstructions to the public travel and, whenever so directed by the selectmen, remove all shrubbery and bushes growing within the limits of highways, not planted or cultivated therein for the purpose of profit or ornamentation, having care for the proper preservation of shade trees, and repair such defects as may occur from time to time, rendering travel dangerous, or they shall give notice of such defects to the municipal officers under a penalty of \$5 for neglect of such duty.

R.S.1954, c. 96, § 74.

§ 2703. Account of expenditures

The road commissioner shall keep accurate accounts, showing in detail all moneys paid out by him, to whom and for what purpose. He shall settle his accounts on or before the 20th day of February, annually, and the same shall be reported in the annual town report in detail.

R.S.1954, c. 96, § 86.

§ 2704. Contracts for opening or repairing ways

Towns may authorize their road commissioners or other persons to make contracts for opening or repairing their ways.

R.S.1954, c. 96, § 88.

§ 2705. Appropriation insufficient; employment of inhabitants

When the amount appropriated is not sufficient to repair the ways, a road commissioner may, with the written consent of the selectmen, employ inhabitants of the town to labor on such ways, to an amount not exceeding 15% of the amount so appropriated and in addition thereto.

R.S.1954, c. 96, § 82.

SUBCHAPTER II

HIGHWAYS AND BRIDGES ON TOWN LINES

Sec.

2751. Division by municipal officers.

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§ 2751. Division by municipal officers

When a way is established on a line between towns, their municipal officers shall divide it crosswise and assign to each town its portion thereof by metes and bounds, which, within one year thereafter, being accepted by each town at a legal meeting, shall render each town liable in the same manner as if the way were wholly within the town. When a division of it is not so made, the selectmen of either town may petition the county commissioners, who shall give notice by causing a copy of such application with their order thereon appointing a time and place of hearing to be served upon the clerk of each town 30 days, or by causing it to be published in some newspaper printed in the county for 3 weeks, previous to the time appointed, and after hearing the parties, they may make such division.

R.S.1954, c. 96, § 67.

§ 2752. Division by commissioners

A highway may be laid out on the line between towns, part of its width being in each, and the commissioners may then make such division of it and enter the same of record, and each town shall be liable in all respects as if the way assigned to it were wholly in the town.

R.S.1954, c. 96, § 68.

§ 2753. Bridges crossing town line

Whenever a highway located after the first day of January, 1906 crosses any river which divides towns, the expense of constructing, maintaining and repairing any bridge across such river shall be borne by such towns in proportion to their last state valuation prior to such location. This section shall not apply to bridges built or rebuilt under sections 352, 353, 355, 451 to 455 and 457 to 459.

R.S.1954, c. 96, § 69.

SUBCHAPTER III

PUBLIC LANDINGS AND PARKING PLACES

Sec.

2801. Layout, alteration or discontinuance; public landings.

2802. —Parking places.

§ 2801. Layout, alteration or discontinuance; public landings

Towns may lay out public or common landings and may alter or discontinue said landings whether laid out under chapters 301 to 315 or now or hereafter established by dedication or otherwise. All procedure shall be in substance the same as is provided by law in the case of town ways.

R.S.1954, c. 96, § 38.

§ 2802. —Parking places

Towns and cities may lay out land within their corporate limits for use as public parking places for motor and other vehicles and may alter or discontinue such use. All procedure including assessment of damages and appeal therefrom shall be the same as is provided by general law for laying out, altering and discontinuing town and city ways.

R.S.1954, c. 96, § 39.

SUBCHAPTER IV

STREETS FOR SLIDING

Sec.

2851. Designation.

2852. Record.

§ 2851. Designation

Municipal officers may designate by appropriate signs public streets, roads or sidewalks whereon persons may slide with any vehicle. They may restrict any traffic on such public streets, roads or sidewalks and anyone violating such restrictions shall be punished by a fine of \$5 for each offense. Police officers and constables shall enforce this section.

R.S.1954, c. 96, § 126.

§ 2852. Record

When streets, roads or sidewalks have been so designated under section 2851, the municipal officers shall cause such designation and such reasonable restrictions as they may adopt to be recorded in the records of the town and their action shall be in force until modified or annulled by like authority.

R.S.1954, c. 96, § 127.

SUBCHAPTER V

RAILROADS

Sec.

2901. Land taken from railroad; notice and hearing.

2902. Location of railroad crossings; expense; appeals.

2903. Maintenance of railroad crossings already laid out.

2904. Recording adjudications of Public Utilities Commission.

§ 2901. Land taken from railroad; notice and hearing

No private way, town way, city street or highway taking land of any railroad corporation shall be located, unless a notice of the time and place of the hearing upon said location has been served upon the president, any vice-president, any director, the treasurer or any assistant treasurer, the general manager or the clerk of said corporation at least 7 days before the time for such hearing.

In case such corporation has no such officer within the State, service shall be made upon its duly authorized agent or attorney within the State. Service in like manner shall be made upon any corporation which operates a railroad of another corporation under lease or other agreement.

R.S.1954, c. 96, § 47.

§ 2902. Location of railroad crossings; expense; appeals

Town ways and highways may be laid out across, over or under any railroad track or through or across any land or right-of-way of any railroad corporation, except that no such location shall be legal or effective, nor shall any such way be constructed, unless the Public Utilities Commission, on application of the municipal officers of the city or town wherein such way is located, the State Highway Commission or the parties owning or operating the railroad shall, upon notice and hearing, determine that such way shall be permitted to cross such track or land or right-of-way of any railroad corporation. Said Public Utilities Commission shall have the right to refuse its said permission or to grant the same upon such terms and conditions as it may prescribe, including the manner and conditions in accordance with which the way may cross such track or land or right-of-way of any railroad corporation and the need, if any, for installation, maintenance and operation of automatic signals, gates or other protective measures to secure human life, and may determine whether the expense of building and maintaining so much of said way as is within the limits of such railroad corporation shall be borne by such railroad corporation, or by the city or town in which such way is located, or by this State, or said Public Utilities Commission may apportion such expense between such railroad corporation and the city, town or State. The expense of operating and maintaining any protective device shall be borne by the corporation operating the railroad, and at crossings on state and state aid highways the expense of installing such protective device shall be apportioned between such corporation and the State as the commission shall determine; and on town ways the expense of installing such protective measure shall be apportioned between such corporation and the town as the commission shall determine. Said Public Utilities Commission shall make a report in writing of its decision thereupon, file the same in its office and cause to be sent by mail or otherwise to each of the railroad corporations and the municipal officers of the city or town as the case may be, interested therein, and the State Highway Commission when interested, a copy of such decision.

Such decision shall be final and binding upon all parties unless an appeal therefrom shall be taken to the Superior Court, in the county where the crossing is located. Said Public Utilities Commission shall be made a party defendant in such appeal and entitled to be heard in all subsequent proceedings had upon such appeal. The appellant shall, within 14 days from the date of the filing of such report, file in the office of the Public Utilities Commission its reasons for appeal, and it shall forthwith cause to be served upon such other interested corporations or municipality or the State Highway Commission a copy of such reasons for appeal, certified by the clerk of the Public Utilities Commission. The presiding justice shall make such order or decree thereon as law and justice may require. An appeal may be taken to the law court as in other actions. The final adjudication shall be recorded as provided in section 2904 and a copy of such final decision sent to the Public Utilities Commission by the clerk of the court where such final adjudication is made. Costs may be taxed and allowed to either party at the discretion of the court.

R.S.1954, c. 96, § 48; 1959, c. 96; c. 317, § 61; 1961, c. 66.

§ 2903. Maintenance of railroad crossings already laid out

Notwithstanding any section of Title 35, chapter 51, in case of ways already laid out which cross over or under any railroad track or tracks and not at grade, the allocation of the expense of maintaining so much thereof as is within the limits of such railroad shall be determined, de novo, as provided by section 2902, by the Public Utilities Commission upon application to it by any corporation whose track is or tracks are so crossed, or upon application by the municipal officers of any town in which the crossing is located, or upon application by the State Highway Commission.

R.S.1954, c. 96, § 49; 1957, c. 356, § 1.

§ 2904. Recording adjudications of Public Utilities Commission

Adjudications of the Public Utilities Commission relating to ways shall be recorded in the office in which the location of the way must be recorded.

R.S.1954, c. 96, § 50.

SUBCHAPTER VI

MISCELLANEOUS

Sec.

- 2951. Notification to county commissioners of change in highway.
- 2952. Longtime buildings and fences as bounds; estoppel.
- 2953. Closing of roads in winter.
- 2954. Ice bridges; penalty for injuring.
- 2955. Placing turf in street prohibited.

§ 2951. Notification to county commissioners of change in highway

Whenever the location of any state aid or town way that was designated as a 3rd class highway at the time that the 3rd class highway designations were rescinded is changed, added to, discontinued or a new location is established by a town or city, the municipal officers of said town or city shall notify the county commissioners of the county of which said town or city is a part of such change with an accurate description of the courses and distances, within 3 months from such action.

R.S.1954, c. 96, § 62; 1961, c. 395, § 35.

§ 2952. Longtime buildings and fences as bounds; estoppel

When buildings or fences have existed more than 20 years fronting upon any way, street, lane or land appropriated to public use, the bounds of which cannot be made certain by records or monuments, such buildings or fences shall be deemed the true bounds thereof. When the bounds can be so made certain, no time less than 40 years will justify their continuance thereon, and on indictment and conviction they may be removed. Persons owning lands beside a highway or town way on which are buildings or fences that encroach within the limits of said way may, by a writing under seal by them signed and acknowledged and recorded in the registry of deeds for the county or registry district in which the land lies, admit to the municipal officers of the town in which said way exists the true bounds or limits of said way and the extent of their wrongful occupancy thereof. Thereafter such persons, and all claiming title under or through them, shall be estopped from asserting any right to the continuance of such buildings or fences within said limits for the full term of 40 years from the date of such deed.

R.S.1954, c. 96, § 103.

§ 2953. Closing of roads in winter

The municipal officers of any municipality or any 7 legal voters in any such municipality may, at any time between the first day of July and the first day of December of any year, petition the county commissioners of the county in which such municipality is located, setting forth that any road or roads in such municipality are so located with reference to population, use and travel thereon, that it is unnecessary to keep said road or roads broken out and open for travel during the months of December, January, February, March and April or any part of such months and praying said commissioners, after notice and hearing on such petition, to decide whether such road or roads shall be kept open or closed during such period or part thereof and for how many years not to exceed 10, such closing order, if made as prayed for, shall be operative.

The commissioners, upon receipt of such petition, shall fix a time and place in said municipality for a public hearing thereon and shall give notice thereof by causing attested copies of such petition and order of notice thereon to be posted in 2 public places in such municipality and published in some newspaper printed in the county at least 7 days before the time of such hearing. The commissioners, at the time and place fixed by such notice, shall hear and consider such evidence as may be offered as to the necessity of closing such road or roads to travel or directing that such road or roads be not broken out during such period, or any part thereof, and if satisfied of the necessity thereof, they may make such orders relating thereto as in their judgment the facts warrant.

Any road or roads closed or in regard to which the commissioners have made an order as to their use shall be marked by notices posted at both ends thereof, showing in substance such order or regulation, which notices shall be signed by the commissioners.

The order of the commissioners, after proceedings under this section, shall relieve such municipality of any obligation to keep said road or roads open or broken out during the period fixed by such order; but the order of said commissioners shall not prevent any municipality from keeping said roads open if said municipality shall at any time desire to do so.

Said commissioners shall retain jurisdiction of said cause, and upon a petition by the municipal officers of said municipality or of any 7 legal voters thereof, praying for a modification or annulment of any orders promulgated by the county commissioners, filed with said commissioners, at any time subsequent to one year from the date of any such order, the commissioners shall give a

similar notice to that above provided and fix a time for hearing thereon, within 20 days following such filing. After hearing, the commissioners may annul, alter or modify their original orders.

The county commissioners may, without petition, give notice and hold public hearing to close roads for winter in unorganized territory.

R.S.1954, c. 96, § 125; 1957, c. 211.

§ 2954. Ice bridges; penalty for injuring

Ice bridges may be constructed and maintained by persons for their own and the public use across any river or body of water when its ordinary navigation is obstructed by ice. Whoever willfully destroys such bridge to prevent its use forfeits not less than \$5 nor more than \$20, to be recovered by complaint, $\frac{1}{2}$ to the complainant and $\frac{1}{2}$ to the State. No person shall take down or injure any fence or occupy any land for the construction or use of such a bridge without consent of the owner first obtained.

R.S.1954, c. 96, § 107.

§ 2955. Placing turf in street prohibited

Placing turf in the traveled part of any highway, street or town way by any municipality, its employees or contractors is prohibited, unless said turf is cut fine or covered up. Upon violation of this section, the State Highway Commission shall cause payment of state money for highways to such municipality to be withheld until such turf is removed at the expense of the municipality and the way restored to the satisfaction of the State Highway Commission.

R.S.1954, c. 96, § 109.