

# MAINE STATE LEGISLATURE

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## CHAPTER 303

LAYING OUT, ALTERING OR DISCONTINUING  
HIGHWAYS

Sec.

- 3001. Power of officers; notice.
- 3002. Winter roads.
- 3003. Acceptance by town.
- 3004. Discontinuance of way.
- 3005. Damages; appeals.
- 3006. Refusal or neglect of municipal officers.
- 3007. Use of highway pending decision.
- 3008. Unreasonable refusal to accept or discontinue.
- 3009. Action by county forestalls action by town.
- 3010. Grading; county's share of expenses.
- 3011. Reinstatement of ways discontinued by county; damages.
- 3012. Change of street location on plans.

**§ 3001. Power of officers; notice**

The municipal officers of a town may on petition therefor, personally or by agency, lay out, alter or widen town ways and private ways for any inhabitant or for owners of cultivated land therein, if such inhabitant occupies or such owner has cultivated land in the town which such private way will connect with a town way or highway. They shall give written notice of their intentions, to be posted for 7 days in 2 public places in the town and in the vicinity of the way, describing it in such notice, and they shall determine whether it shall be a town way or a private way, and if a private way, whether it shall be subject to gates and bars.

R.S.1954, c. 96, § 29.

**§ 3002. Winter roads**

The municipal officers may lay out such a way for the hauling of merchandise, hay, wood or lumber, to be used only when the ground is so covered with snow that such hauling shall not break the soil. When so laid out, they shall state in their return the purposes for which it is laid and that it shall be used only in the winter season, and shall order the persons for whose accommodation it is laid to pay into the town treasury an amount equal to the damages of such location for the benefit of the owner of the land over which it is laid and the expenses of such location,

and it shall not be accepted by the town until such amount is so paid. No town shall be liable for damage to any person traveling on such way.

R.S.1954, c. 96, § 30.

### **§ 3003. Acceptance by town**

A written return of the proceedings of the municipal officers under sections 3001 and 3002, containing the bounds and ad-measurements of the way and the damages allowed to each person for land taken, shall be made and filed with the town clerk in all cases. The way is not established until it has been accepted in a town meeting legally called, after the return has been filed, by a warrant containing an article for the purpose.

R.S.1954, c. 96, § 31.

### **§ 3004. Discontinuance of way**

A town, at a meeting called by warrant containing an article for the purpose, may discontinue a town or private way. The municipal officers shall estimate the damages suffered by any person thereby.

R.S.1954, c. 96, § 33.

### **§ 3005. Damages; appeals**

The damages for a town way shall be paid by the town; for a private way, by those for whose benefit it is stated in the petition to be, or wholly or partly by the town, if under an article in the warrant to that effect it so votes at the meeting accepting such private way; or by cities, if it is proposed in the return laying out such way. Any person aggrieved by the estimate of such damages may have them determined as provided in section 2058, by written complaint to the Superior Court, in the county where the land lies, within 60 days from the date of the establishment, alteration or discontinuance of such way by the town at its town meeting. Service shall be made upon the town where the land lies as in other actions, and by posting attested copies in 2 public and conspicuous places within said town and in the vicinity of the way; but the final judgment shall be recorded in said court and shall not be certified to the county commissioners. When any person, aggrieved by the estimate of damages for his land taken for a town or private way, honestly intended to appeal therefrom and has by accident or mistake omitted to take his appeal within the time provided by law, he may, at any time within 6 months

after the expiration of the time when said appeal might have been taken, apply to any justice of the court, stating in his said application the facts of his case. Said justice, after due notice and hearing, may grant to such petitioner permission to take his said appeal within such time as said justice shall direct and on such terms as said justice shall order, and the subsequent proceedings thereon shall be the same and with the same effect as if said appeal had been seasonably taken.

R.S.1954, c. 96, § 34; 1959, c. 317, § 60.

### § 3006. Refusal or neglect of municipal officers

When the municipal officers unreasonably neglect or refuse to lay out or alter a town way, or a private way on petition of an inhabitant or of an owner of land therein for a way leading from such land under improvement to a town or highway, the petitioner may, within one year thereafter, present a petition stating the facts to the commissioners of the county at a regular session, who shall give notice thereof to all interested and act thereon as is provided respecting highways. When the decision of the municipal officers is in favor of such laying out or alteration, any owner or tenant of the land over or across which such way has been located shall have the same right of petition. When the decision of the commissioners is returned and placed on file, such owner or tenant or other party interested has the same right to appeal to the Superior Court as is provided in sections 2063 to 2066, and to have his damages estimated as provided in section 2058.

R.S.1954, c. 96, § 40.

### § 3007. Use of highway pending decision

No such way described in section 3006 shall be opened or used until after 60 days from its acceptance by the town, and if within that time notice of such appeal or petition is filed with the town clerk, such way shall not be opened or used until finally located by the appelland tribunal.

R.S.1954, c. 96, § 41.

### § 3008. Unreasonable refusal to accept or discontinue

When a town unreasonably refuses to discontinue a town or private way or to accept one laid out or altered by the selectmen, the parties aggrieved may, within the time and in the manner provided in section 3006, present a petition to the county commissioners, who shall in like manner proceed and act thereon and

cause their proceedings to be recorded by their own and by the town clerk. The right of all parties may be preserved and determined as provided in sections 3006 and 3007.

R.S.1954, c. 96, § 42.

**§ 3009. Action by county forestalls action by town**

When a town way has been laid out, graded or altered by the commissioners, their proceedings cannot be affected by any action of the town within 5 years, and when one has been discontinued by them, it cannot be again laid out by the town within 2 years. The commissioners have the same power to alter or discontinue such ways for 5 years as they have respecting highways.

R.S.1954, c. 96, § 43.

**§ 3010. Grading; county's share of expenses**

The county commissioners, in laying out new ways or altering or grading ways already laid out, may direct the amount of such grading, which shall be stated in their return. They may order a portion of the expense of such altering or grading, not exceeding 50% thereof, to be paid to the town in which the altering or grading has been done from the county treasury.

R.S.1954, c. 96, § 44.

**§ 3011. Reinstatement of ways discontinued by county; damages**

When a town has accepted a town way, and said town way is subsequently discontinued by the county commissioners on appeal before such road has been opened for travel, such town may, at its annual meeting held within 3 years thereafter, by a majority of the voters present and voting, reinstate and lay out such town way under an article for such purpose in the warrant. The damages shall be assessed and the owners of the land over which said way passes shall be notified thereof by the municipal officers within 20 days after said meeting. Any person aggrieved by the estimate of damages may have them determined in the manner provided in section 3005 in case of town ways laid out on petition. A town way so reestablished and laid out shall not be discontinued for 5 years thereafter.

R.S.1954, c. 96, § 45.

**§ 3012. Change of street location on plans**

When land has been plotted and a plan thereof made, whether recorded or not, showing the proposed location of streets thereon,

and lots have been sold by reference to said plan, the municipal officers of the town or city where such land is situated may, on petition of owners of the fee in such of said proposed streets as are named in the petition, vacate in whole or in part the proposed location of any or all such streets as have not been accepted and located as public ways. The proceedings shall be the same as in case of the location of town ways. All damages thereby occasioned shall be paid by the petitioners, and parties aggrieved by the estimate of damages may have them determined in the manner provided respecting damages caused by the location of town ways and with the same right of appeal. The action on the report of the municipal officers of such town or city shall be filed within 10 days after the action on such report is taken in the office of the town or city clerk and made a part of the record. Such clerk shall furnish an attested copy of such action on the report to anyone upon payment of a fee of 75¢ therefor, which attested copy may be recorded in the registry of deeds of the district or county where the land of said proposed streets is located, and such attested copy need not be acknowledged for the purpose of such record. The fee at the registry of deeds for such record shall be the same as fees for recording therein miscellaneous instruments.

R.S.1954, c. 96, § 46.