

MAINE STATE LEGISLATURE

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CHAPTER 265

CONDEMNATION BY WATER DISTRICTS

Sec.

- 3291. Necessity of taking determined.
- 3292. Proceedings.
- 3293. Proceedings before commissioners.
- 3294. Condemnation proceedings by district.
- 3295. Validation of proceedings.
- 3296. Water utility line crossing railroad right-of-way.

§ 3291. Necessity of taking determined

The owner of property which is the subject of appropriation for public purposes by any water district may, upon hearing, have the necessity of the particular appropriation determined by the Public Utilities Commission.

R.S.1954, c. 52, § 23; 1955, c. 258, § 1.

§ 3292. Proceedings

The owner of such property may, within 30 days after the beginning of condemnation proceedings, file in the office of the clerk of the Public Utilities Commission, a petition to the commission for a decision as to the necessity of the appropriation. A copy of the petition and order of notice thereon, attested by the clerk, shall be served upon the defendant.

R.S.1954, c. 52, § 24; 1955, c. 258, § 2; 1961, c. 317, § 134.

§ 3293. Proceedings before commissioners

The commissioners shall fix a time for hearing, within the county where the property is situated, and give written notice thereof to the owner and to the district seeking to acquire said property. At the hearing all parties in interest shall be heard either in person or by attorney, and witnesses may be summoned by either party and attendance compelled as before other judicial tribunals. The burden of proof to show the necessity of the particular taking shall rest upon the party seeking to acquire the property. The decision of a majority of the commissioners shall be final as to questions of fact.

R.S.1954, c. 52, § 25; 1955, c. 258, § 3.

§ 3294. Condemnation proceedings by district

Upon the commencement of condemnation proceedings, the district seeking to thus acquire property, unless otherwise provided by law, may file a petition asking that the necessity of such taking may be determined, whereupon proceedings shall be had as in the case of a petition by the landowner.

R.S.1954, c. 52, § 26.

§ 3295. Validation of proceedings

All plans and descriptions of land and all descriptions of other property taken by any water company for its purposes and uses, filed in the office of the county commissioners of the county where the land or other property taken is situated prior to the 9th day of March, 1889, are valid and legal for all purposes of taking.

R.S.1954, c. 52, § 27.

§ 3296. Water utility line crossing railroad right-of-way

Wherever a line or main of a water utility is located and about to be constructed across the right-of-way of any railroad, unless the officers of such water utility shall agree with the corporation operating such railroad as to the place, manner and conditions of the crossing, the Public Utilities Commission upon petition of either party, after notice and hearing, shall determine the place, manner and conditions of such crossing. All the work within the limits of such railroad location shall be done under the supervision of the officers of the corporation operating said railroad and to the satisfaction of the commission, and the expense thereof shall be borne by the water utility. Said commission shall make report of their decision in the same manner as in the case of highways located across railroads and subject to the same right of appeal.

1963, c. 242.