

MAINE STATE LEGISLATURE

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January 31, 1929

To Roger G. Leonard, Esq., House of Representatives
Re: Condemnation Proceedings

Condemnation proceedings are brought under Revised Statutes, Chapter 24, Section 8, and Revised Statutes Chapter 25, Section 13.

It is necessary under the Federal and State Constitutions that condemnation proceedings and damage award made by the Highway Commission or other officers should be subject to review in court proceedings with the right to trial by jury reserved. By agreement between parties in the court proceedings, damages can be fixed by three referees instead of by jury, but in such case the finding of the referees is conclusive as to the figures, at least in the absence of clear and gross fraud which would be very difficult to show.

Substantially this system has always been in existence and is probably the best system that could be devised, although any system in being worked out is subject to the imperfections of human beings.

I have just been talking over the same case that you have in mind with Representative Ingraham of Bangor.

Clement F. Robinson
Attorney General