

# MAINE STATE LEGISLATURE

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February 17, 1956

To W. H. Bradford, Right of Way Engineer, State Highway Commission  
Re: Service of Notice of Condemnation Award

You have reported that a land owner has been sent notice of a condemnation award (with the check for the award enclosed) and that the condemnee has not claimed the registered letter. You have asked me what our procedure should be.

It is my opinion that the notice of award, plus the check should be given to a Deputy Sheriff with instructions to deliver them personally to the condemnee and that the Sheriff should be given a paper on which he can make a return of his doings. This would be a good and sufficient substitute for the statutory proceedings in the opinion of the Attorney General's Department.

For the purposes of future court action, the original notice by registered mail should be carefully preserved and the proper notations made on the envelope (with witnesses) as to the fact that the check had to be cancelled. An attempt should be made to re-obtain this check after cancellation for evidence. The request for the new check should carry the notation that it is in substitution for the former check (referred to by number, date, etc.). This, I believe, will be sufficient for us to prove compliance with the statutes and to start the appeal.

L. Smith Dunnack  
Assistant Attorney General

LSD/ek