

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1163

S. P. 420

In Senate, February 7, 1963

Referred to Committee on Highways. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Cram of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Fixing the Boundaries of Highways and Town Ways.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 89, § 45, amended. Section 45 of chapter 89 of the Revised Statutes, is amended to read as follows:

‘Sec. 45. Boundaries of highways or town ways fixed. When the true boundaries of highways or town ways duly located, or of which the location is lost, or which can only be established by user, are doubtful, uncertain or lost, the county commissioners of the county wherein such highway or town way is located, upon petition of the municipal officers of the town wherein the same lies, shall, after such notice thereon as is required for the location of new ways, proceed to hear the parties, examine said highway or town way, locate and define its limits and boundaries by ~~placing stakes on side lines at all apparent intersecting property lines and at intervals of not more than 100 feet and cause~~ durable monuments to be erected **on side lines at intervals of not more than 1000 feet and at the angles thereof at the expense of the town wherein said highway or town lies, make a correct return of their doings, signed by them, accompanied by an accurate plan of the way; and if.**

The county commissioners shall notify the municipal officers when the engineering work has been completed and monuments are to be set. The municipal officers shall cause the monuments to be set within 60 days of the receipt of such notice from the county commissioners. If such monuments are not set by the municipal officers within 60 days from receipt of such notice, the county commissioners shall cause such monuments to be set, and shall bill the municipality for the cost of procuring and setting the monuments. Said municipal officers

shall maintain all highway or town way monuments and replace them forthwith when destroyed.

If any real estate is damaged by said action, they shall award damages to the owner as in laying out new highways, in the case of highways to be paid by the county and in the case of town ways to be paid by the town. Their return, made at the next regular statute session after the hearing, shall be placed on file and the case shall be continued to await a final decision respecting damages; sections 39 and 40 shall be applicable to appeals for increase of damages under this section. ~~Said municipal officers shall maintain all highway or town way monuments and replace them forthwith when destroyed.~~ If any appeal for increase of damages is taken and the commissioners are of opinion that their proceedings or any part thereof ought not to take effect, they shall enter a judgment that the prayer of the original petitioners or any part thereof, designating what part, is not granted for that reason. Upon such judgment no damages shall be allowed for that part of the prayer of the petitioners not granted, but the cost shall be paid by the county.'