

# MAINE STATE LEGISLATURE

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# FIFTY-FOURTH LEGISLATURE.

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SENATE.

No. 15.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
SEVENTY-FIVE.

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[S. 32.] AN ACT to amend chapter eighteen of the  
revised statutes, relating to ways.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows :*

SECTION 1. Section one of chapter eighteen of the  
2 revised statutes, is hereby amended by inserting after  
3 the words "from town to town" in the second line  
4 thereof, the words, "and to grade hills in any  
5 such highway." Said first section is hereby further  
6 amended by inserting after the word "alteration," in  
7 the sixth line thereof, the word "grading," so that  
8 said section as amended shall read as follows :

9 *Sect. 1.* County commissioners have power to lay  
10 out, alter, or discontinue highways leading from town  
11 town, and to grade hills in any such highway. Noth-

ing in any city charter shall be so construed as to deprive them of the power to lay out, alter, or discontinue county roads within the limits thereof. Responsible persons may present, at their regular session, a written petition, describing a way and stating whether its location, alteration, grading, or discontinuance is desired, or an alternative action in whole or in part. The commissioners may act upon it, conforming substantially to the description without adhering strictly to its bounds.

SECT. 2. Section four of said chapter eighteen, is hereby amended by inserting after the word "altered" in the fourth line thereof the word graded, so that said section as amended shall read as follows :

*Sect. 4.* They shall meet at the time and place appointed and view the way, and there, or at a place in the vicinity, hear the parties interested. If they judge the way to be of common convenience and necessity, or that any existing way shall be altered, graded, or discontinued, they shall proceed to perform the duties required, &c.

SECT. 3. Section eight of said chapter eighteen, is hereby amended by inserting after the word "record," in the second line thereof, the words, "to increase the damages, or," so that the first paragraph of said section as amended shall read as follows :

6 *Sect. 8.* When a petition is presented for an increase  
7 of damages, an agreement may be made and entered  
8 on record to increase the damages, or to submit the  
9 matter to a committee, who shall notify and hear the  
10 the parties and make return of their decision, which  
11 being accepted, shall be conclusive, &c.

SECT. 4. Section twenty-eight of said chapter  
2 eighteen, is hereby amended by inserting after the word  
3 "liable," in the second line thereof, the words, "or  
4 hill within the same has not been graded;" so that  
5 the first paragraph of said section as amended shall  
6 read as follows :

7 *Sect. 28.* When a town or highway is not opened  
8 and made passable by the town liable, or hill within  
9 the same has not been graded, within the time pre-  
10 scribed therefor by the commissioners, &c.

SECT. 5. Section twenty-six of said chapter eighteen,  
2 is hereby amended by inserting after the words "laid  
3 out," in the first line thereof, the word "graded;"  
4 so that said section as amended shall read as follows :

5 *Sect. 26.* When a town way has been laid out,  
6 graded, or altered by the commissioners, their proceed-  
7 ings cannot be effected by any action of the town  
8 within five years, &c.

SECT. 6. Section thirty-seven of said chapter  
2 eighteen, is hereby amended by inserting after the

3 word “altering,” in the third line thereof, the word  
4 “grading;” so that said section as amended shall  
5 read as follows :

6 *Sect. 37.* Parties interested may appear jointly or  
7 severally at the time of hearing before the commis-  
8 sioners, on a petition for laying out, altering, grading  
9 or discontinuing any highway, &c.

SECT. 7. Section thirty-nine of said chapter eighteen,  
2 is hereby amended by inserting after the word “out”  
3 in the second line thereof, the word “grading;” so  
4 that the first paragraph of said section as amended  
5 shall read as follows :

6 *Sect. 39.* If the judgment of the commissioners in  
7 favor of laying out, grading, or altering a way, as  
8 prayed for, is wholly reversed on an appeal, they shall  
9 proceed no further, &c.

SECT. 8. The county commissioners, in laying out  
2 new ways, or altering ways already laid out, shall  
3 have power to direct the amount of such grading,  
4 which shall be stated in their return ; and they may  
5 order a portion of the expense of such grading, not  
6 exceeding fifty per cent. thereof, to be paid to the  
7 town in which the grading has been done, from the  
8 county treasury.

SECT. 9. In all cases where a committee has been  
2 agreed on, on a petition for increase of damages, or

3 where a committee has been appointed, on an appeal  
4 from the decision of the county commissioners, it shall  
5 be sufficient if said committee are sworn at any time  
6 before the time agreed on for viewing the route or  
7 hearing the parties.



# STATE OF MAINE

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IN SENATE, February 4, 1875.

Reported from the Committee on Judiciary, by Mr. EMERY  
of Hancock, and laid over to be printed under the Joint Rule.

SAMUEL W. LANE, *Secretary.*