

# MAINE STATE LEGISLATURE

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# FIFTY-FOURTH LEGISLATURE.

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SENATE.

No. 49.

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## STATE OF MAINE.

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

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[S. 32.] AN ACT to amend chapter eighteen of the re-  
vised 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 such high-  
5 way;" and by inserting after the word "alteration,"  
6 in the sixth line thereof, the word "grading," so that  
7 said section as amended shall read as follows:

8 *Sect. 1.* County commissioners have power to lay  
9 out, alter, or discontinue highways leading from town  
10 to town, and to grade hills in any such highway.  
11 Nothing in any city charter shall be so construed as to

12 deprive them of the power to lay out, alter or discon-  
13 tinue county roads within the limits thereof. Respon-  
14 sible persons may present, at their regular session, a  
15 written petition describing a way and stating whether  
16 its location, alteration, grading, or discontinuance is  
17 desired, or an alternative action in whole or in part.  
18 The commissioners may act upon it, conforming sub-  
19 stantially to the description without adhering strictly  
20 to its bounds.

SECT. 2. Section four of said chapter eighteen is  
2 hereby amended by inserting after the word "altered"  
3 in the fourth line thereof, the word "graded," and by  
4 inserting after the words "finally established," in the  
5 ninth and tenth lines thereof, the words "and opened  
6 to travel," so that said section as amended shall read  
7 as follows :

8 *Sect. 4.* They shall meet at the time and place ap-  
9 pointed and view the way, and there or at a place in  
10 the vicinity, hear the parties interested. If they judge  
11 the way to be of common convenience and necessity,  
12 or that any existing way shall be altered, graded, or  
13 discontinued, they shall proceed to perform the duties  
14 required ; make a correct return of their doings, signed  
15 by them, accompanied by an accurate plan of the way;  
16 and state in their return when it is to be done, the  
17 names of the persons to whom damages are allowed,

18 the amount allowed to each, and when to be paid.  
19 When the way has been finally established and opened  
20 to travel, they shall cause durable monuments to be  
21 erected at the angles thereof.

SECT. 3. 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," so  
4 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 affected by any action of the town within  
8 five years ; and when one has been discontinued by  
9 them, it cannot be again laid out by the town within  
10 two years. The commissioners have the same power  
11 to alter or discontinue such ways for five years, as they  
12 have respecting highways.

SECT. 4. Section twenty-eight of said chapter eigh-  
2 teen 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 the  
5 first paragraph of said section as amended shall read as  
6 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, they may, after

11 notice to the town, cause it to be done by an agent,  
12 not one of themselves, on petition of those interested.

SECT. 5. Section thirty-seven of said chapter eight-  
2 teen is hereby amended by inserting after the word  
3 “altering,” in the third line thereof, the word “grad-  
4 ing,” so that said section as amended shall read as  
5 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, and any such party may  
10 appeal from their decision thereon at any time after it  
11 has been placed on file, and before the next term of  
12 the supreme judicial court in said county, at which  
13 term such appeal may be entered and prosecuted by  
14 him, or by any other party who so appeared. And all  
15 further proceedings before the commissioners are to be  
16 stayed until a decision is made in the appellate court.

SECT. 6. 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 farther ; and in all cases when the judg-  
10 ment of the commissioners shall be reversed on appeal,  
11 no petition praying for substantially the same thing  
12 shall be entertained by them for two years thereafter.

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

SECT. 8. 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 not be necessary for said committee to be sworn before  
6 the time agreed on for viewing the route and hearing  
7 the parties.

SECT. 9. Section eight of said chapter eighteen is  
2 hereby amended by inserting after the word "record,"  
3 in the second line thereof, the words " to increase the  
4 damages, or," so that the first paragraph of said sec-  
5 tion 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 of

8 record to increase the damages, or to submit the mat-  
9 ter to a committee, who shall notify and hear the par-  
10 ties and make return of their decision, which being  
11 accepted, shall be conclusive.

**STATE OF MAINE.**

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In SENATE, February 15, 1875.

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

SAMUEL W. LANE, *Secretary.*