

MAINE STATE LEGISLATURE

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Fifty-Seventh Legislature.

HOUSE.

No. 124.

STATE OF MAINE.

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

AN ACT giving county commissioners jurisdiction over
the repairs of ways.

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

SECTION 1. When any town legally liable to main-
2 tain any way, unreasonably neglects to keep such way
3 in repair, so that the same is safe and convenient for
4 travellers with horses, teams and carriages, any three
5 or more persons may petition the county commissioners
6 for the county in which such town is situated, setting
7 forth such fact, and if said commissioners are satisfied
8 that such petitioners are responsible for the costs of the
9 proceedings, they shall fix a time and place near such
10 defective way, for a hearing on such petition, and
11 cause such notice thereof to be given to the town and

12 the petitioners as they may prescribe. At the time
13 appointed, the commissioners shall view the way al-
14 leged to be out of repair, and hear the parties inter-
15 ested in the petition, and if they adjudge the way to
16 be unsafe and inconvenient for travellers with horses,
17 teams and carriages, they shall prescribe what repairs
18 shall be made, fix the time in which the town shall
19 make the same, and give notice thereof to the muni-
20 cipal officers of the town, and they shall award the
21 costs of the proceedings against the town. If they
22 adjudge the way to be safe and convenient, they shall
23 dismiss the petition and award the costs of the pro-
24 ceedings against the petitioners.

SECT. 2. Such petition may be presented to said
2 commissioners at any of their sessions, or in vacation
3 to the chairman thereof, who shall procure the concur-
4 rence of his associates in fixing the time and place in
5 the order of notice, and cause the petition to be entered
6 at their next session. And they shall make full return
7 of their proceedings on the petition, and cause the
8 same to be duly recorded as of their next regular term
9 after the proceedings are closed.

SECT. 3. If the town shall neglect to make the re-
2 pairs prescribed by the commissioners, within the time
3 fixed therefor, on application to the commissioners,
4 they may, after notice to the town, cause it to be done

5 by an agent, not one of themselves. The agent shall
6 cause the repairs to be made forthwith, as prescribed
7 by the commissioners, and render to them his account
8 of his disbursements and services in making such re-
9 pairs. His account not to be allowed without notice
10 first given to the town. When the account is allowed
11 the town becomes liable therefor, with the expenses of
12 the agent in procuring the allowance of his account,
13 with interest from the time of such allowance, and said
14 commissioners shall render judgment against the town
15 in favor of the agent therefor. If the town neglects
16 to pay for thirty days, a warrant of distress shall be
17 issued by the commissioners to collect the same.

SECT. 4. Hereafter a town shall not be liable to in-
2 dictment and fine for any defect or want of repair in
3 any way which it is liable to maintain and keep in
4 repair. This act shall not affect any pending indict-
5 ment.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 7, 1878. }

Reported from the Committee on Legal Affairs, by Mr. MOORE
of Thomaston, and ordered printed under Rule.

ORAMANDAL SMITH, *Clerk.*