

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE.

No. 79.

STATE OF MAINE.

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

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 maintain any way, unreasonably neglects to keep such way in repair, so that the same is safe and convenient for travellers with horses, teams and carriages, after the municipal officers, or one of them, have had five days' actual notice or knowledge of the defective condition, any three or more responsible persons may petition the county commissioners for the county in which such town is situated, setting forth such facts, and if said commissioners are satisfied that such petitioners are responsible

12 for the costs of the proceedings, they shall fix a
13 time and place near such defective way, for a hear-
14 ing on such petition, and cause such notice thereof
15 to be given to the town and petitioners as they may
16 prescribe. At the time appointed, the commission-
17 ers shall view the way alleged to be out of repair,
18 and hear the parties interested in the petition, and
19 if they adjudge the way to be unsafe and incon-
20 venient for travellers, horses, teams and carriages,
21 they shall prescribe what repairs shall be made, fix
22 the time in which the town shall make the same,
23 and give notice thereof to the municipal officers of
24 the town, and they shall award the costs of the
25 proceedings against the town. If they adjudge the
26 way to be safe and convenient, they shall dismiss
27 the petition and award the costs of the proceedings
28 against the petitioners. If they find the way was
29 defective at the time of presentation of the petition,
30 but has been repaired before the hearing, they may
31 award the costs against the town, if in their judg-
32 ment justice requires it.

SECT. 2. Such petition may be presented to said
2 commissioners at any of their sessions, or in vaca-
3 tions to the chairman thereof, who shall procure the
4 concurrence of his associates in fixing the time and
5 place in the order of notice, and cause the petition

6 to be entered at their next session. And they shall
7 make full return of their proceedings on the peti-
8 tion, and cause the same to be duly recorded as of
9 their next regular term after the proceedings are
10 closed.

SECT. 3. If the town shall neglect to make the
2 repairs prescribed by the commissioners, within the
3 time fixed therefor in their notice to the town, the
4 commissioners may cause it to be done by an agent
5 not one of themselves. The agent shall cause the
6 repairs to be made forthwith, as prescribed by the
7 commissioners, and render to them his account of
8 his disbursements and services in making such re-
9 pairs. His account not to be allowed without such
10 notice first given to the town as the commissioners
11 deem reasonable. When the account is allowed,
12 the town becomes liable therefor, with the expen-
13 ses of the agent in procuring the allowance of his
14 account, with interest from the time of such allow-
15 ance, and said commissioners shall render judgment
16 therefor against the town in favor of the agent. If
17 the town neglects to pay said judgment for thirty
18 days after demand, a warrant of distress shall be
19 issued by the commissioners to collect the same.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 7, 1879. }

Reported from the Committee on Legal Affairs, by Mr. PERRY
of Camden, and ordered printed under the Joint Rule.

B. L. STAPLES, *Clerk.*