

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 135.

STATE OF MAINE.

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

AN ACT concerning public parks and squares.

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

SECTION 1. Any town or city, containing more
2 than one thousand inhabitants, upon petition in
3 writing, signed by at least thirty of the citizens
4 thereof who are tax-payers, directed to the muni-
5 cipal officers, describing the land to be taken as
6 herein provided, and the names of the owners
7 thereof, so far as they are known, at a legal meet-
8 ing of such town or of the mayor, aldermen and
9 city council of such city, may direct the municipal
10 officers of such town or city to take suitable lands
11 for public parks or squares. And thereupon such
12 municipal officers shall have power and authority
13 to take such land for such purpose; but such land

14 shall not be taken without the consent of the owner,
15 if at the time of filing such petition with such mu-
16 nicipal officers, or in the office of the clerk of such
17 town or city, such land is occupied by a dwelling-
18 house wherein the owner thereof or his family
19 reside.

SECT. 2. Whenever the municipal officers of
2 such town or city shall be directed to take land as
3 provided by section one of this act, they shall,
4 within ten days thereafter give written notice of
5 their intention to take such land, describing the
6 land to be taken, and the time and place of hear-
7 ing, by posting the same in two public places in
8 the town where the land lies, and in the vicinity of
9 such land, and by publishing the same in some
10 newspaper printed in such town or city, seven days
11 before the day of such hearing, and if no newspa-
12 per is printed in such town or city such notice shall
13 be given in some newspaper printed in the county
14 where the land lies, three weeks successively, the
15 last publication to be seven days before such hear-
16 ing. The municipal officers shall meet at the time
17 and place specified in the notice, view the land to
18 be taken, hear all the parties interested, and if they
19 decide that the land is suitable for the purpose for
20 which it is to be taken, they shall take the same and

21 estimate the damages to be paid to each person
22 owning the same, or interested therein, so far as
23 they are known to said municipal officers, and shall
24 make return of their doings in writing, signed by
25 them or a majority of them, which return shall
26 describe by metes and bounds the land so taken,
27 and shall state the purpose for which it is taken,
28 the names of the owners so far as they are known,
29 and the amount of damages awarded to each, which
30 return shall be filed and recorded in the clerk's
31 office of such town or city, and a copy thereof, cer-
32 tified by such clerk, shall be recorded in the regis-
33 try of deeds for said county.

SECT. 3. Any person aggrieved by the estimate
2 of damages, may appeal therefrom by filing within
3 thirty days in the office of the county commission-
4 ers for the county where the land is taken, a peti-
5 tion in writing, signed by the party aggrieved, his
6 agent or attorney, describing the land taken, the
7 interest of the petitioner therein, the amount of
8 damages awarded therefor, and claiming an appeal
9 to the county commissioners from the estimate of
10 the municipal officers. A certified copy of such
11 petition shall be served upon such municipal offi-
12 cers, by leaving the same in the clerk's office of
13 such town or city, at least fourteen days before the

14 hearing thereon; and the subsequent proceedings
15 relating to the hearing upon such petition and
16 damages shall be the same as now provided re-
17 specting highways. When such damages shall be
18 finally determined, they shall be certified to the
19 clerk of such city or town and paid by the treas-
20 urer thereof.

SECT. 4. This act shall take effect when approved.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
March 2, 1881. }

Reported by Mr. STROUT, from Committee on the Judiciary,
and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*