

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

SENATE.

No. 12.

STATE OF MAINE.

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

AN ACT to regulate the exercise of the right of
Eminent Domain.

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

SECTION 1. Whenever any coporation authorized
2 by its charter, to take private property for public
3 uses, shall not be able to agree with the owners of
4 lands, water rights, or other property which they
5 find it necessary to take, upon the sum to be paid
6 therefor, or when it shall not be able to agree with
7 persons claiming damage from the acts of such
8 corporation done in pursuance of the purposes
9 defined in its charter, such corporation may file
10 in the registry of deeds of the county where the

11 land, water rights, or other property is situated, or
12 where the damage complained of has been sus-
13 tained, a description of the land, water rights, or
14 other property, which it finds it necessary to take,
15 or on account of which damages are claimed, with
16 a statement of the purposes for which it is to be
17 taken, or the circumstances under which damages
18 are claimed.

SECT. 2. Said corporation shall thereupon pro-
2 ceed by complaint to the supreme judicial court in
3 the county where the statement is filed, making the
4 parties owning such lands, water rights or property,
5 or claiming damages respondents. The complaint
6 shall briefly state the facts upon which it is founded,
7 and the sum offered by such corporation to the
8 respondent shall appear therein.

SECT. 3. The complaint shall be served by copy
2 at least fourteen days before the sitting of the court
3 to which it is returnable. Notice may be ordered
4 by the court on respondents residing out of the
5 State, joint tenants and tenants in common, shall
6 be joined in the complaint.

SECT. 4. At the return term thereof three dis-
2 interested commissioners shall be appointed by the
3 court who shall be sworn, and upon at least four-
4 teen days' notice, hear the parties and determine

5 what sum is to be paid to the owners of the land,
6 water rights, or other property so to be taken, or
7 what if any damages have been and will be sus-
8 tained by the parties so claiming damages, and
9 report to said court their determination.

SECT. 5. At the term when their report is re-
2 ceived, and not later, either party may claim a trial
3 by jury. On such trial the report of such com-
4 missioners shall be *prima facie* evidence of the facts
5 therein contained. If the amount of the price
6 fixed or damages assessed is less than the amount
7 offered by such corporation as appears by the com-
8 plaint before the commencement of proceedings,
9 such corporation recovers costs against the re-
10 spondents, otherwise the respondent recovers costs.
11 Such corporation may file a new offer at any time
12 during the pendency of the proceedings. If such
13 offer is not accepted and the amount assessed is less
14 than the amount of the offer, the corporation re-
15 covers cost from the date of filing such offer.

SECT. 6. No suit at law or in equity on account
2 of any of the matters contained in such complaint,
3 shall be maintained against such corporation, dur-
4 ing the pendency of such proceedings.

SECT. 7. If such corporation shall fail to sat-
2 isfy the final judgment, it may be restrained from

3 further exercising its franchises as against the re-
4 spondent until such judgment is satisfied.

SECT. 8. The Commissioners shall be entitled to
2 reasonable compensation, to be determined by the
3 court. Costs in proceedings under this act shall
4 be taxed as in actions at law.

STATE OF MAINE.

IN SENATE, January 25, 1887.

Pending refer- ce to the Committee on Judiciary, on motion by Mr.
HEATH, laid on table to be printed.

C. W. TILDEN, Secretary.