

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 285

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to amend section 11 of chapter 23 of the Revised
Statutes as amended by chapter 79 of the Laws of 1905,
relating to boundaries of ways.

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

Section 1. Section eleven of chapter twenty-three of the
2 Revised Statutes as amended by chapter seventy-nine of the
3 Laws of 1905 is hereby further amended by inserting in the
4 first line of said section as printed in said Revised Statutes,
5 after the word "highways" the words 'or town ways,' and
6 by further inserting after the word "located" in said first
7 line the words 'or of which the location is lost, or which can
8 only be established by user;' and by inserting after the word

9 "highway" in the third line of said section, and after the
10 word "highway" partly in the fifth and partly in the sixth
11 line of said section, and after the word "highway" in the
12 ninth line of said section, the words 'or town way,' and after
13 the word "highways" in the ninth line the words 'in the case
14 of highways to be paid by the county and in the case of town
15 ways to be paid by the town,' so that said section as finally
16 amended shall read as follows:

'Sect 11. When the true boundaries of highways or town
18 ways duly located, or of which the location is lost, or which
19 can only be established by user, are doubtful, uncertain
20 or lost, the county commissioners of the county wherein such
21 highway or town way is located, upon petition of the muni-
22 cipal officers of the town wherein the same lies, shall, after
23 such notice thereon as is required for the location of new
24 ways, proceed to hear the parties, examine said highway or
25 town way, locate and define its limits and boundaries by
26 placing stakes on side lines at all apparent intersecting prop-
27 erty lines, and at intervals of not more than 100 feet and
28 cause durable monuments to be erected at the angles thereof,
29 make a correct return of their doings, signed by them, accom-
30 panied by an accurate plan of the way, and if any real estate
31 is damaged by said action, shall award damages to the owner
32 as in laying out new highways, in the case of highways to
33 be paid by the county and in the case of town ways to be
34 paid by the town. Said municipal officers shall maintain
35 all highways or town way monuments, and replace them

36 forthwith when destroyed. If any appeal for increase of
37 damages is taken, and the commissioners are of opinion that
38 their proceedings hereunder, or any part thereof, ought not
39 to take effect, they shall enter a judgment that the prayer of
40 the original petitioners or any part thereof, designating what
41 part is not granted for that reason. Upon such judgment no
42 damages shall be allowed for that part of the prayer of the
43 petitioners not granted, but the costs shall be paid by the
44 county.'

Sect. 2. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 16, 1907.

Reported by Mr. MILLS from Committee on Legal Affairs, and laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.