

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

HOUSE.

No. 805

STATE OF MAINE.

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

AN ACT in relation to possession under defective proceedings
in Eminent Domain.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Whenever any taking or attempted taking under power of eminent domain shall, in any action now pending or hereafter commenced, have been adjudged defective either from formal errors in proceedings or for substantial errors in the act conferring the right of eminent domain, by a court of last resort in this State, and judgment of title in the plaintiff shall be given, judgment of ouster or writ of possession shall be stayed until the corporation vested with the power of eminent domain shall have had oppor-

10 tunity to re-take pursuant to the act conferring the power,
11 if the error is formal, and until remedial legislation shall
12 have been obtained at a session of the legislature next after
13 the rendition of judgment when the error is substantial, and
14 a new taking had pursuant to the amended act; but the new
15 taking shall be had within ninety days from the rendition of
16 said judgment when the error is merely formal, and within
17 six months from the adjournment of the legislature next
18 after the rendition of judgment when the error is substan-
19 tial. And nothing herein contained shall preclude or stay
20 any action at law for damages, and the owner of the land
21 may maintain an action for damages the same as if in pos-
22 session.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 27, 1909.

Reported by Mr. BURLEIGH from Committee on Judiciary
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*