

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 665

House of Representatives, Mar. 20, 1911.

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

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT relative to condemnation proceedings of land for
public purposes.

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

Section 1. The owner of property which is the subject of
2 appropriation for public purposes by any water district shall
3 have the right to have the necessity of the particular appro-
4 priation determined after hearing.

Sect. 2. The determination of the necessity of any par-
2 ticular appropriation except where otherwise provided for
3 by law shall be made by three disinterested commissioners
4 of the county wherein the property is situate who shall be
5 appointed by any Justice of the Supreme Judicial Court

6 upon application of either party in term time or vacation,
7 and one of whom shall be learned in sanitary matters, pro-
8 viding the owner of the land in question shall file in the
9 office of the clerk of courts of that county within thirty
10 days from the beginning of condemnation proceedings a
11 petition addressed to the Supreme Judicial Court and re-
12 questing decision of the necessity of the appropriation.

Sect. 3. Upon filing of the petition provided for in section
2 two of this act the clerk of courts shall forthwith cause a
3 copy of the same to be mailed to any officer of the corpo-
4 ration seeking to acquire the land in question upon whom
5 service of legal precepts may now be made and no further
6 service shall be necessary unless specially ordered by court.

Sect. 4. The commissioners shall fix a time for hearing
2 upon any petition provided for in this act which hearing
3 shall be within thirty days after the filing of such petition
4 in the clerk of courts office by giving written notice to the
5 petitioner and to the corporation seeking to acquire said
6 land of the time so fixed.

Sect. 5. At the hearing provided for by this act all parties
2 in interest shall be heard either in person by attorney and
3 witnesses may be summoned by either party and attendance
4 compelled as in hearings now provided for by law and the
5 burden of proof to show the necessity of the particular
6 taking shall rest upon the corporation seeking to acquire
7 the property.

Sect. 6. The decision of a majority of the commissioners
2 shall be final as to questions of fact.

Sect. 7. The prevailing party shall be entitled to costs
2 taxed by the clerk of the board of county commissioners as
3 in actions at law in the Supreme Judicial Court to be en-
4 forced by an action of debt.

Sect. 8. Upon the commencement of condemnation pro-
2 ceedings the corporation seeking to thus acquire land un-
3 less otherwise provided by law may file in the clerk of
4 court's office wherein such land is situate a petition asking
5 that the necessity of such taking may be determined where-
6 upon proceedings shall be had as in the case of a petition
7 by the land owner.