

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 356

House of Representatives, Feb. 25, 1915.

Reported by Mr. Conners from Special Committee on Revision of Statutes and ordered printed under joint rules.

C. C. HARVEY, Clerk.

STATE OF MAINE

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

AN ACT to Amend Section eleven of Chapter twenty-three of the Revised Statutes relating to the Determination of Highway Boundaries which are Doubtful, Uncertain or Lost.

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

Section eleven of chapter twenty-three of the revised statutes, as amended by chapter seventy-nine of the public laws of nineteen hundred and five, and by chapter one hundred and forty-three of the public laws of nineteen hundred and seven, is hereby further amended by inserting after the first sentence of said section in the seventeenth line thereof, the following sentence: "Their return made at the next regular statute session after the hearing, shall be placed on file and the case shall be continued to await a final decision respect-

9 the case shall be continued to await a final decision respect-
10 ing damages; sections five and six shall be applicable to
11 appeals for increase of damages under this section,' so that
12 said section as amended shall read as follows:

'Sect. 11. When the true boundaries of highways or town
14 ways duly located, or of which the location is lost, or which
15 can only be established by user, are doubtful, uncertain or
16 lost, the county commissioners of the county wherein such
17 highway or town is located, upon petition of the municipal
18 officers of the town wherein the same lies, shall, after such
19 notice thereon as is required for the location of new ways,
20 proceed to hear the parties, examine said highway or town
21 way, locate and define its limits and boundaries by placing
22 stakes on side lines at all apparent intersecting property
23 lines, and at intervals of not more than one hundred feet
24 and cause durable monuments to be erected at the angles
25 thereof, make a correct return of their doings, signed by
26 them, accompanied by an accurate plan of the way, and if
27 any real estate is damaged by said action, they shall award
28 damages to the owner as in laying out new highways, in the
29 case of highways to be paid by the county and in the case
30 of town ways to be paid by the town. Their return made
31 at the next regular statute session after the hearing, shall
32 be placed on file and the case continued to await a final de-
33 cision respecting damages; sections five and six shall be
34 applicable to appeals for increase of damages under this
35 section. Said municipal officers shall maintain all high-
36 way or town way monuments, and replace them forthwith

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