

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 592

H. P. 1594 House of Representatives, March 1, 1929.

Referred to Committee on Ways and Bridges and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Kitchen of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

AN ACT Relating to Laying Out and Assessing Damages on
State and State Aid Highways.

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

Section 1. Section seven of chapter twenty-five of the
2 revised statutes is hereby amended by inserting after the
3 word "twenty-two" in the fourth line of said section the
4 following: 'subject to apportionment of any damages as
5 provided by section eleven of this chapter,' so that said sec-
6 tion as amended shall read as follows:

'Sect. 7. The commission shall lay out, construct and
2 maintain a system of state and state aid highways substan-
3 tially as herein described, and the expense of constructing

4 such state highways shall be borne wholly by the state, ex-
5 cept as otherwise provided in section twenty-two, subject
6 to apportionment of any damages as provided by section
7 eleven of this chapter. The commission shall be sole arbiter
8 of the designation of the state and state aid highways, but
9 shall, as to state highways, after reasonable notice by publi-
10 cation give all parties interested an opportunity to be heard
11 thereon before commencing such construction. Except as
12 provided in section twenty-two, the construction of state
13 highways shall be paid for wholly from the proceeds of the
14 state bond issue herein provided for, and the proceeds of
15 the aggregate of such bonds shall be expended equitably
16 among the various counties.'

Sect. 2. Section eleven of chapter twenty-five of the re-
2 vised statutes is hereby amended so as to read as follows:

'Sect. 11. The commission may purchase, take over, and
2 hold for the state as for public use such materials and land
3 as may be necessary to provide a change of location or
4 alignment of any state or state aid highway as herein
5 designated, or to secure materials, including clay, gravel,
6 sand and rock, with necessary ways and access thereto, for
7 the improvement, construction, and maintenance of state
8 and state aid highways under the provisions of this chap-
9 ter. Whenever the commission determines that public
10 exigency requires the taking of land as aforesaid, it shall
11 cause the same to be surveyed and described and a plan
12 thereof and said description to be recorded in the registry

13 of deeds for the county or registry district where the same
14 is located, and notice thereof shall be given in some news-
15 paper, if any, published wholly or in part in said county.
16 If the commission is unable to purchase such material or
17 land with necessary ways and access thereto at what it
18 deems a reasonable valuation, the commission and the
19 county commissioners of the county wherein such material
20 or land is located shall constitute a joint board which shall,
21 on petition of the commission or interested parties, ascer-
22 tain and determine the damages in the same manner as pro-
23 vided by statute for land taken for highway purposes, and
24 all parties aggrieved by the estimate of damage shall have
25 like remedies as provided by statute for appraisal of dam-
26 ages for land taken by towns for highway purposes, and
27 such damages shall be paid, one-half in all cases, by the
28 treasurer of state, from the appropriate funds provided un-
29 der this chapter, and one-half by the county in which said
30 land is situated, or if said land is in two or more counties
31 then said other half shall be apportioned between and paid
32 by the said several counties in proportion to the damages
33 awarded on the lands situated in each county; except that
34 damages awarded for taking material shall be paid by the
35 state. Said board shall fix a time and place for its hear-
36 ings and give notice thereof as provided by statute for lay-
37 ing out highways. The commission may vacate any land
38 or part thereof or rights in land which have been taken
39 or acquired for highway purposes under the provisions

40 hereof, by executing and recording a deed thereof, and such
41 action shall revert the title to the lands or rights so vacated
42 in the persons, their heirs and assigns, in whom it was vest-
43 ed at the time of the taking, and the value at the time of
44 vacation may be pleaded in mitigation of damages in any
45 proceedings therefor on account of such taking. The gov-
46 ernor and council on recommendation of the commission
47 may sell and convey on behalf of the state the interests of
48 the state in property acquired by purchase under this sec-
49 tion and deemed no longer necessary for the purposes here-
50 of, and the proceeds of such sale shall so far as practicable
51 be credited to the fund from which such purchase was
52 originally made.'

Sect. 3. Section thirteen of chapter twenty-five of the
2 revised statutes is hereby amended so as to read as follows:

'Sect. 13. The commission may alter, widen or change the
2 grade of any state or state aid highway whenever in its
3 judgment the public exigency may require, and may lay out,
4 establish and open a new highway as a state or state aid high-
5 way. It may also discontinue a highway as a state or state
6 aid highway and the same shall be thereafter maintained
7 by the town or county originally liable therefor except as
8 herein otherwise provided. Whenever the commission shall
9 alter, widen or change the grade of any state or state aid
10 highway as herein provided, to the injury of an owner of
11 adjoining land, he may within six months apply in writing
12 for a determination and assessment of his damages in the

13 manner provided by section eleven of this chapter and any
14 person aggrieved by said assessment may have the same
15 determined as provided in section eight of chapter twenty-
16 four. Whenever the commission shall lay out, establish
17 and open a new highway as a state highway or state aid
18 highway, the damages sustained by the owner of any land
19 through which said highway passes shall be determined,
20 assessed and apportioned as provided in section eleven of
21 this chapter, and any person aggrieved by such award may
22 have the damages determined as hereinbefore provided in
23 cases of altering, widening or changing of grade.'