

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FOURTH LEGISLATURE

House Document

No. 733

H. P. 1681 House of Representatives, March 22, 1929.

Reported by Mr. Lowell from Committee on Ways and
Bridges and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

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 so as to read as follows:

'Sect. 7. The commission shall lay out, construct and
2 maintain a system of state and state aid highways sub-
3 stantially as herein described, and the expense of construct-
4 ing such state highways shall be borne wholly by the state,
5 except 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 ar-
8 biter of the designation of the state and state aid highways,
9 but shall, as to state highways, after reasonable notice by
10 publication give all parties interested an opportunity to be
11 heard thereon before commencing such construction. Ex-
12 cept as provided in section twenty-two, the construction
13 of state highways shall be paid for from funds appropri-
14 ated for that purpose and from the proceeds of the state
15 bond issues, and the proceeds of the aggregate of such
16 bonds shall be expended equitably among the various coun-
17 ties.'

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 desig-
5 nated, or to secure materials, including clay, gravel, sand
6 and rock, with necessary ways and access thereto, for the
7 improvement, construction, and maintenance of state and
8 state aid highways under the provisions of this chapter.
9 Whenever the commission determines that public exigency
10 requires the taking of land as aforesaid, it shall cause the
11 same to be surveyed and described and a plan thereof and
12 said description to be recorded in the registry of deeds for
13 the county or registry district where the same is located, and
14 notice thereof shall be given in some newspaper, if any, pub-

15 lished wholly or in part in said county. If the commission
16 is unable to purchase such material or land with necessary
17 ways and access thereto at what it deems a reasonable val-
18 uation, the commission and the county commissioners of
19 the county wherein such material or land is located shall
20 constitute a joint board which shall on petition of the com-
21 mission or interested parties, meet and ascertain and de-
22 termine the damages in the same manner as provided by
23 statute for land taken for highway purposes, and all par-
24 ties aggrieved by the estimate of damage shall have like
25 remedies as provided by statute for appraisal of damages
26 for land taken by towns for highway purposes, and such
27 damages shall be paid, one-half in all cases, by the treas-
28 urer of state, from the appropriate funds provided under
29 this chapter, and one-half by the county in which said land
30 is situated, or if said land is in two or more counties then
31 said other half shall be apportioned between and paid by
32 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
37 laying out highways. The commission may vacate any land
38 or part thereof or rights in land which have been taken or
39 acquired for highway purposes under the provisions here-
40 of, by executing and recording a deed thereof, and such
41 action shall revest the title to the lands or rights so vacated

42 in the persons, their heirs and assigns, in whom it was
43 vested at the time of the taking, and the value at the time
44 of vacation may be pleaded in mitigation of damages in
45 any proceedings therefor on account of such taking. The
46 governor and council on recommendation of the commis-
47 sion may sell and convey on behalf of the state the inter-
48 ests of the state in property acquired by purchase under
49 this section and deemed no longer necessary for the pur-
50 poses hereof, and the proceeds of such sale shall so far
51 as practicable be credited to the fund from which such
52 purchase was 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
2 the grade of any state or state aid highway whenever in
3 its judgment the public exigency may require, and may lay
4 out, establish and open a new highway as a state or state
5 aid highway. It may also discontinue a highway as a state
6 or state aid highway and the same shall be thereafter main-
7 tained by the town or county originally liable therefor, ex-
8 cept as herein otherwise provided. Whenever the com-
9 mission shall alter, widen or change the grade of any state
10 or state aid highway as herein provided, to the injury of
11 an owner of adjoining land, he may within six months
12 apply in writing for a determination and assessment of his
13 damages in the manner provided by section eleven of this
14 chapter and any person aggrieved by said assessment may

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