

# MAINE STATE LEGISLATURE

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**EIGHTY-FIFTH LEGISLATURE**

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**Legislative Document**

**No. 600**

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S. P. 457

In Senate, Feb. 17, 1931.

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

ROYDEN V. BROWN, Secretary.

Presented by Senator Leland of Piscataquis.

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**STATE OF MAINE**

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

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

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

Chapter twenty-eight of the revised statutes is hereby amended by striking out sections twelve and fourteen of said chapter, and inserting in said chapter the following sections:

Sec. 11A. The commission, whenever in its judgment the public exigency so requires, may alter, widen or change the grade, location or alignment of any state or state aid highway, and may lay out, establish and open a new highway as a state or state aid highway. It may also discontinue a highway as a state or state aid highway and the same shall be thereafter maintained by the town or county originally liable therefor, except as herein otherwise provided.

Sec. 11B. The commission may purchase, take over and hold for the state as for public use such materials and land as may be necessary to provide for such altering, widening or changing of grade, location or alignment, or for such new highway, to secure materials, including clay, gravel, sand and rock with necessary ways and access thereto, for the improvement, construction, and maintenance of state and state aid highways under the provisions of this chapter.

Sec. 11C. Whenever the commission determines that public

exigency requires the taking of land as aforesaid, it shall cause the same to be surveyed and described and a plan thereof and said description to be recorded in the registry of deeds for the county or registry district where the same is located. The filing of such description shall vest the land aforesaid in the State of Maine. Notice thereof shall be given in some newspaper, if any, published wholly or in part in said county. If the commission is unable to purchase such material or land with necessary ways and access thereto at what it deems a reasonable valuation, the commission and the county commissioners of the county wherein such material or land is located shall constitute a joint board which shall on petition of the commission or interested parties meet and view the land or materials, hear the parties interested, and ascertain and determine the damages. Fifteen days' notice shall be given of the time and place of their meeting by posting notices in three public places in each town in which any part of the land or materials are located, and by publishing in some newspaper, if any, published wholly or in part in the county. The fact that such notice has been given, being entered of record by the joint board, shall be evidence thereof.

Sec. 11D. Such joint board shall make a correct return of their doings, signed by them, stating the names of the persons to whom damages are awarded and the amount awarded to each. This return shall be filed with the commission and notice shall be sent by the commission by registered mail to each person, stating the damages awarded to him. If no appeal is taken as hereinafter provided, the damages awarded shall in the case of land be paid, one-half by the state treasurer from the appropriate funds provided under this chapter, and one-half by the county in which said land is situated, or if said land is in two or more counties, then said other half shall be apportioned between and paid by the said several counties in proportion to the damages awarded on the lands situated in each county. Damages awarded for taking material shall be paid by the state.

Sec. 11E. Any person aggrieved by the action of the joint board may appeal therefrom to the next term of the superior court to be held in the county where the land is situated, more than thirty days from the date when the notice

of the findings of the joint board is mailed as aforesaid. The appellant shall serve written notice of such appeal upon one of the commission and one of the county commissioners fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case, forwarding copy thereof to the commission and the county commissioners. Such court shall determine the same by a referee or referees, if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, if any, in favor of the appellant, with costs to the appellant if the damages awarded by the court exceed the damages awarded by the joint board. Damages and costs so awarded shall be paid as provided in section eleven D.

Sec. 11F. The commission may vacate any land or part thereof or rights in any land or part thereof which have been taken or acquired for highway purposes under the provisions hereof, by executing and recording a deed thereof, and such action shall re-vest the title to the lands or rights so vacated in the persons, their heirs and assigns, in whom was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any proceedings therefor on account of such taking. The governor and council on recommendation of the commission may sell and convey on behalf of the state the interests of the state in property acquired by purchase under this chapter, and deemed no longer necessary for the purposes hereof, and the proceeds of such sale shall so far as practicable be credited to the fund from which such purchase was originally made.

Sec. 11G. Whenever the commission shall without the taking of land as aforesaid alter, widen or change the grade, location or alignment of any state or state aid highway, to the injury of an owner of adjoining land, he may within six months from the date of the completion of the project apply in writing to the commission for a determination and assessment of his damages. Thereafter his damages, if any, shall be determined by a joint board constituted as provided in section eleven c, unless such claim is settled by mutual agreement between the owner and the commission. Such joint board shall proceed on fifteen days' written notice to him. Notice of its decision shall be given

and appeal therefrom may be taken in the manner provided in sections eleven D and eleven E, and the damages awarded shall be paid one half by the State Treasurer and one half by the county.