

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

NO. 425

H. P. 1009

House of Representatives, Feb. 2, 1933.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Plummer of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT to Amend Eminent Domain Statute.

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

R. S. c. 69, § 12, amended. Section 12 of chapter 69 of the revised statutes is hereby amended to read as follows :

'Sec. 12. Proceedings before entry; location and map to be filed with county commissioners; description may be corrected. All property so taken shall, before it is entered upon for any purpose except to make surveys, be located by a description, signed by the party taking, which shall describe in detail the property taken, and give the names of the owners thereof and shall be accompanied by a map showing said property as described. Such location and map shall be filed with the county commissioners of the county where the property is located, who shall indorse the time of filing thereon and order the location recorded. A copy of said location shall be recorded in the registry of deeds of the county or registry district where the property is located. **When there is a recorded mortgage covering any portion of the land so taken which mortgage has been recorded within forty years of the taking, and bears no record of discharge, satisfaction, or release, personal notice shall be given forthwith to the owner of record of said mortgage by sending to said mortgage holder's**

place of abode, if known, otherwise to the abode or address as set forth in said record, by registered mail, a written or a printed notice of said taking in which shall be set forth a description of the property so taken, and the name of the owner of said property. When for any reason the taker fails to acquire the property authorized to be taken and which is described in such location, or the location recorded is defective or uncertain, the taker may, at any time, correct and perfect such location, and file a new description thereof; and in such case the taker is liable in damages, only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the taker shall not be liable for any acts which would have been justified if the original taking had been valid and legal.'