

MAINE STATE LEGISLATURE

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

Legislative Document

No. 584

S. P. 298

In Senate, February 9, 1939.

On motion by Senator Graves of Hancock referred to Committee on Judiciary. Sent down for concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Graves of Hancock.

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

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-NINE

AN ACT Relating to the Taking of Land by the State Highway Commission, and the Taking or Discontinuing of a Public Highway.

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

R. S., c. 28, § 12, amended. Section 12 of chapter 28 of the revised statutes, as amended by chapter 261 of the public laws of 1931, and by chapter 135 of the public laws of 1933, is hereby further amended to read as follows:

'Sec. 12. Commission may purchase or take lands for highways and materials; procedure; commission may vacate lands taken; governor and council authorized to sell property acquired by purchase. The commission may purchase, take over, and hold for the state as for public use such materials and land as may be necessary to **lay out and establish or** provide a change of location or alignment of any state or state aid highway as herein designated, or 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. 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, and notice thereof shall be given in some newspaper,

if any, published wholly or in part in said county. In case there is a mortgage of record covering any of said land, written or printed notice of said taking shall be sent forthwith by registered mail to the holder of record of said mortgage, addressed to his place of abode, if known, otherwise to the abode or address as set forth in said record. 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 ascertain and determine the damages in the same manner as provided for land taken for highway purposes, and all parties aggrieved by the estimate of damage shall have like remedies as provided for appraisal of damages for land taken by towns for highway purposes, and such damages shall be paid by the treasurer of state, from the appropriate funds provided under this chapter. Said board shall fix a time and place for its hearings and give notice thereof as provided for laying out highways. The commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under the provisions hereof, by executing and recording a deed thereof, and such action shall revert the title to the lands or right so vacated in the persons, their heirs, and assigns, in whom it 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 **taken or** acquired by purchase under this section 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.'