

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1128

H. P. 1503

House of Representatives, February 26, 1947.

Transmitted by revisor of statutes pursuant to joint order

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Ellis of Castle Hill.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Relating to Obstructions of Public Ways.

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

Sec. 1. R. S., c. 84, § 77, amended. Section 77 of chapter 84 of the revised statutes is hereby amended to read as follows:

Sec. 77. Drainage of public way not to be obstructed. No person by himself, his agents, or servants, other than a person having legal supervision of a public way, shall cultivate, in connection with the improvement of lands adjacent thereto, any portion of the wrought part of any public way, in such manner as to change the drainage thereof or obstruct said way; **nor shall any person by himself, his agents, or servants, other than a person having legal supervision of a public way, permit teams, tractors, farm machinery or other equipment to turn upon the wrought portion of a highway in such manner as to change the drainage thereof or obstruct said way;** nor shall any person, by himself, his agents, or servants, other than a person having legal supervision of a public way, deposit within or along any ditch or drain in a public way any material that shall obstruct the flow of water in such ditch or drain or otherwise obstruct said way; provided, however, that with the written consent and in accordance

with specifications of the legal authorities having supervision of such ditch or drain, any person may, to provide egress and regress to and from lands occupied by him, lawfully construct and maintain a bridge across such ditch or drain.'

Sec. 2. R. S., c. 84, § 78, amended. The 1st sentence of section 78 of chapter 84 of the revised statutes is hereby amended to read as follows:

'Whoever wilfully violates any provision of the preceding section shall be punished, for the 1st offense, by a fine of not less than ~~\$5~~ \$50, nor more than ~~\$10~~ \$100, and costs, and for each subsequent offense, by a fine of not less than ~~\$10~~ \$100, nor more than ~~\$25~~ \$200, and costs, and shall be further liable for double the amount of the actual damage, to be recovered in an action on the case by the city, town, or plantation, or, in behalf of any unorganized place, by the county where the offense is committed.'