

MAINE STATE LEGISLATURE

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

Legislative Document

No. 1212

H. P. 1872

House of Representatives, March 3, 1949

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Boulier of Stacyville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

**AN ACT Relating to Procedure on Damages Caused by Location of
Highways.**

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

R. S., c. 20, § 15, amended. Section 15 of chapter 20 of the revised statutes is hereby amended to read as follows :

'Sec. 15. Authority as to location and alteration of state or state aid highways; proceedings for assessment of damages. The commission may alter, widen, or change the grade of any state or state aid highway whenever in its judgment the public exigency may require, and may lay out, establish, and open a new highway as a state highway; and upon appropriate petition from municipal officers may lay out, establish, and open a new highway as a 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. Whenever the commission shall alter, widen, or change the grade of any state or state aid highway as herein provided, to the injury of an owner of adjoining land, he may within 6 months after completion of the work apply ~~in writing~~ **to the commission** for a determination and assessment of his damages; **and if the commission is unable to settle such dam-**

ages at what it deems a reasonable amount, the commission or interested parties may apply in writing for a determination and assessment of the damages in the manner provided by section 13; and any person aggrieved by said assessment may have the same determined as provided in section 39 of chapter 79 appeal therefrom at any time before the 3rd day of the regular term succeeding that at which the determination of the damages have been made by the joint board, to the term of the superior court, first next held in the county where the land is situated, more than 30 days after the expiration of the time within which such appeal may be taken. The appellant shall file notice of his appeal with the state highway commission and said board, by registered mail within the time above limited, and at the 1st term of the court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto, and shall issue execution for the costs only. The clerk shall certify the final judgment of the court to said board, who shall enter the same of record, and order the damages therein recovered to be paid by the treasurer of state. The party prevailing recovers costs to be taxed and allowed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party said claimant fails to recover a greater sum as damages than was allowed to him by the board. The committee shall be allowed a reasonable compensation for their services to be fixed by the court upon the presentation of their report and paid by the treasurer of state upon the certificate of the clerk of courts. Whenever the commission shall lay out, establish, and open a new highway, as a state or state aid highway, the damages sustained by the owner or any land through which said highway passes shall be determined, assessed, and apportioned as provided in section 13, and any person aggrieved by such award may have the damages determined as hereinbefore provided in cases of altering, widening or changing of grade.'