

MAINE STATE LEGISLATURE

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Legislative Document

No. 664

H. P. 471

House of Representatives, February 12, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Wade of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Appeal on the Taking of Land for School Purposes.

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

R. S., c. 41, § 16, repealed and replaced. Section 16 of chapter 41 of the Revised Statutes is hereby repealed and the following enacted in place thereof:

‘Sec. 16. Appeal. If the owner is aggrieved at the location of the lot or the damages awarded by the municipal officers, he may apply to the county commissioners within 6 months from the determination of such location and award of damages. The county commissioners of the county wherein such property or land is located shall constitute a Board of Appraisers which shall on such application meet and ascertain and determine what the location of the lot shall be, changing said location if they deem it proper, and determine the value of the property or land to be taken, make a correct return of their doings, signed by them, accompanied by an accurate plan of the land and state in their return the name of the person to whom damages are allowed, and the amount allowed. The county commissioners shall give reasonable notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. Their return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk for inspection, and notice thereof given to the interested parties. If the damages are increased or the location changed, such town shall pay the damages and costs; otherwise the costs shall be paid by the applicant. Any interested party aggrieved by their determination of location or damages may appeal from their determination to the Superior Court of the county at the next regular term of said court following the date of filing of their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effectual; all claims for damages not al-

lowed by them be forever barred; and all damages allowed by them be final. If an appeal be taken at the time and in the manner provided herein, the court shall determine the location, changing said location if it deems it proper, and the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the location and the damages recovered, and judgment for costs in favor of the party entitled thereto. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The party prevailing recovers costs to be allowed and taxed by the court, except that they shall not be recovered by the party claiming damages or change of location, 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 county commissioners or fails to have the location changed. The committee of reference shall be allowed a reasonable compensation for their services, to be fixed by the court upon the presentation of their report and paid from the county treasury upon the certificate of the clerk of courts. From the action of the court or on exceptions, or from any judgment after a jury trial, an appeal may be taken by any party to the Supreme Judicial Court.

Upon final determination of the location of said lot the clerk of the town, clerk of the county commissioners or clerk of Superior Court, whichever one has custody of the records of the final hearing tribunal, shall cause a description of the lot and plan a thereof to be recorded in the registry of deeds for the county or registry district where the same is located.'