

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
98th LEGISLATURE

COMMITTEE AMENDMENT "A" to H. P. 656, L. D. 937, Bill, "An Act
Relating to Determination of Damages Caused by Taking
of Land for Highway Purposes."

Amend said Bill by adding after "Sec. 2.", a new 'Sec. 2-A.', as follows:

"Sec. 2-A. R. S., c. 23 §21-A, additional. Chapter 23 of the Revised Statutes is hereby amended by adding thereto a new section to be numbered 21-A, to read as follows:

'Sec. 21-A. Tender pending appeal. If either party is aggrieved by said decision of the county commissioners, he may appeal therefrom to the Superior Court as provided for in section 23. Pending such appeal, the owner may make application to a Justice of the Superior Court, in term time or vacation, citing the facts of the pending appeal from the condemnation proceeding, for an order directing the State Highway Commission to pay forthwith the sum allowed by the county commissioners, or any part thereof, for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded on the appeal in respect of said lands, or any parcel thereof, shall exceed or be less than the amount of money so received by any person entitled, the Court shall enter judgment for the amount of the deficiency or excess to the appropriate party. The acceptance thereof by the person entitled under his said application to said Justice as a payment pro tanto will be without prejudice to any right to have the remainder thereof assessed by the Superior Court on his appeal.'"

Reported by a Majority of the Committee on Judiciary.

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(Filing No. 354)

5/7/57