

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION  
(EMERGENCY)

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

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**Legislative Document**

**No. 1434**

S. P. 527

In Senate, January 19, 1960.

Committee on Judiciary suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Stilphen of Knox.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY

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**AN ACT Relating to Appeals from Decisions of the Joint Board in Highway  
Condemnation Proceedings.**

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**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the new rules of civil procedure are now in effect; and

Whereas, it is believed that chapter 23, section 23 is in conflict with such rules; and

Whereas, there is much doubt and uncertainty concerning the joint board highway condemnation cases which might result in damage to many Maine land owners unless the statute is clarified; and

Whereas, to protect the rights of Maine citizens, appeal to the courts from the decisions of the joint board, so called, is vitally necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. R. S., c. 23, § 23, amended.** The 2nd sentence of section 23 of chapter 23 of the Revised Statutes, as amended by section 8 of chapter 317 of the public laws of 1959, is further amended to read as follows:

~~'The appellant shall file notice of his appeal with the State Highway Commission at Augusta by registered mail within the time limited, and when such~~  
~~Such appeal is shall be taken shall file by filing a complaint setting forth substantially the facts upon which the case shall be tried like other cases with the right in either party to a jury trial.'~~

**Sec. 2. R. S., c. 23, § 23, amended.** Section 23 of chapter 23 of the Revised Statutes, as amended by section 8 of chapter 317 of the public laws of 1959, is further amended by adding after the 2nd sentence the following sentence:

**'The appellant shall give notice of his appeal to the State Highway Commission in Augusta by mailing by registered mail within the time above limited a true copy of such complaint to the State Highway Commission at Augusta.'**

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.

#### STATEMENT OF FACTS

See emergency preamble.