

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1875.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1875.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1875.

CHAP. 25.

Proviso.

cation to study for the period required, and the certificate of a physician shall be deemed sufficient to satisfy said officers; or that such child or children have been taught at a private school or at home in such branches as are usually taught in primary schools; *provided*, in case a public school shall not be taught for three months in the year within one and one-half miles by the shortest travelled road of the residence of such delinquent, nor within the school district within which such child resides, he shall not be liable to the provisions of this act.

Penalty for non-compliance with provisions of this act.

SECT. 2. In case any parent, guardian, or other person having such control, shall fail to comply with section one of this act, he shall be liable to a fine not exceeding five dollars and costs of prosecution for such offence, to be recovered in any court competent to try the same, and the magistrate or court to which said fine shall be paid shall pay the same to the treasurer of the town in which the offence was committed, and shall be by him accounted for, the same as money raised for school purposes.

SECT. 3. Every boy in this state between the ages of nine and fifteen years, who shall neglect or refuse to attend school as required in section one of this act, unless excused by the school officers of the city, town or plantation in which he resides, on being convicted of such offence, shall pay a fine not exceeding five dollars.

Provisions of act, how enforced.

SECT. 4. It shall be the duty of the school committee or town supervisor to enforce the several provisions of this act.

Approved February 22, 1875.

Chapter 25.

An act to amend chapter eighteen of the revised statutes, relating to ways.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

Sec. 1, ch. 18, R. S., amended.

SECT. 1. Section one of chapter eighteen of the revised statutes is hereby amended by inserting after the words "from town to town," in the second line thereof, the words 'and to grade hills in any such highway;' and by inserting after the word "alteration," in the sixth line thereof, the word 'grading,' so that said section, as amended, shall read as follows:

County commissioners, certain powers of, defined.

'SECT. 1. County commissioners have power to lay out, alter or discontinue highways leading from town to town, and to grade hills in any such highway. Nothing in any city charter shall be so construed as to deprive them of the power to lay out, alter or discontinue county roads within the limits thereof. Responsible

persons may present, at their regular session, a written petition describing a way and stating whether its location, alteration, grading or discontinuance is desired, or an alternative action, in whole or in part. The commissioners may act upon it, conforming substantially to the description, without adhering strictly to its bounds.'

SECT. 2. Section four of said chapter eighteen is hereby amended by inserting after the word "altered," in the fourth line thereof, the word 'graded,' and by inserting after the words "finally established," in the ninth and tenth lines thereof, the words, 'and opened to travel,' so that said section, as amended, shall read as follows:

Sec. 4, ch. 18,
amended.

'SECT. 4. They shall meet, at the time and place appointed, and view the way, and there, or at a place in the vicinity, hear the parties interested. If they judge the way to be of common convenience and necessity, or that any existing way shall be altered, graded or discontinued, they shall proceed to perform the duties required; make a correct return of their doings, signed by them, accompanied by an accurate plan of the way, and state in their return when it is to be done, the names of the persons to whom damages are allowed, the amount allowed to each, and when to be paid. When the way has been finally established and opened to travel, they shall cause durable monuments to be erected at the angles thereof.'

County commis-
sioners shall
meet and hear
parties.

—may lay out,
alter or discon-
tinue a way.

—make return
of doings.

—shall cause
durable monu-
ments to be
erected.

SECT. 3. Section twenty-six of said chapter eighteen is hereby amended by inserting after the words "laid out," in the first line thereof, the word 'graded,' so that said section, as amended, shall read as follows:

Sec. 26, ch. 18,
amended.

'SECT. 26. When a town way has been laid out, graded or altered by the commissioners, their proceedings cannot be affected by any action of the town, within five years; and when one has been discontinued by them, it cannot be again laid out by the town, within two years. The commissioners have the same power to alter or discontinue such ways, for five years, as they have respecting highways.'

Town ways estab-
lished by county
commissioners
cannot be chang-
ed by towns
within five years.

SECT. 4. Section twenty-eight of said chapter eighteen is hereby amended by inserting after the word "liable," in the second line thereof, the words 'or hill within the same has not been graded,' so that the first paragraph of said section, as amended, shall read as follows:

Sec. 28 amended.

'SECT. 28. When a town or highway is not opened and made passable by the town liable, or hill within the same has not been graded, within the time prescribed therefor by the commissioners, they may, after notice to the town, cause it to be done by an agent, not one of themselves, on petition of those interested.'

Commissioners
may cause high-
ways to be opened
when towns neg-
lect.

CHAP. 25.

Sec. 37 amended.

SECT. 5. Section thirty-seven of said chapter eighteen is hereby amended by inserting, after the word "altering," in the third line thereof, the word 'grading,' so that said section, as amended, shall read as follows :

Parties interested may have a hearing before commissioners on petition for laying out a highway. —may appeal from decision thereon.

'SECT. 37. Parties interested may appear jointly or severally, at the time of hearing, before the commissioners, on a petition for laying out, altering, grading, or discontinuing any highway ; and any such party may appeal from their decision thereon, at any time after it has been placed on file, and before the next term of the supreme judicial court in said county, at which term such appeal may be entered and prosecuted by him, or by any other party who so appeared. And all further proceedings before the commissioners are to be stayed until a decision is made in the appellate court.'

Stay of proceedings.

Sec. 39 amended.

SECT. 6. Section thirty-nine of said chapter eighteen is hereby amended by inserting, after the word "out," in the second line thereof, the word 'grading,' so that the first paragraph of said section as amended shall read as follows :

Stay of proceedings in certain cases.

'SECT. 39. If the judgment of the commissioners in favor of laying out, grading, or altering a way as prayed for, is wholly reversed on an appeal, they shall proceed no farther ; and in all cases when the judgment of the commissioners shall be reversed on appeal, no petition praying for substantially the same thing shall be entertained by them for two years thereafter.'

County commissioners may direct amount of grading.

— may order portion of expense to be paid by the town.

SECT. 7. The county commissioners, in laying out new ways, or altering or grading ways already laid out, shall have power to direct the amount of such grading, which shall be stated in their return ; and they may order a portion of the expense of such grading, not exceeding fifty per cent. thereof, to be paid to the town in which the grading has been done, from the county treasury.

Committee agreed on or appointed, when to be sworn.

SECT. 8. In all cases where a committee has been agreed on, on a petition for increase of damages, or where a committee has been appointed on an appeal from the decision of the county commissioners, it shall not be necessary for said committee to be sworn, before the time agreed on for viewing the route and hearing the parties.

Sec. 8 amended.

SECT. 9. Section eight of said chapter eighteen is hereby amended by inserting after the word "record," in the second line thereof, the words 'to increase the damages, or,' so that the first paragraph of said section as amended shall read as follows :

Petition for increase of damages, proceedings in case of.

'SECT. 8. When a petition is presented for an increase of damages, an agreement may be made and entered of record to increase the damages, or to submit the matter to a committee, who shall notify and hear the parties and make return of their decision, which being accepted, shall be conclusive.'