

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 106

Chapter 106.

An Act relative to Condemnation Proceedings of Land for Public Purposes.

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

Rights of owner of land taken.

Section 1. The owner of property which is the subject of appropriation for public purposes by any water district shall have the right to have the necessity of the particular appropriation determined after hearing.

Necessity for taking property, how determined.

Section 2. The determination of the necessity of any particular appropriation except where otherwise provided for by law shall be made by three disinterested commissioners of the county wherein the property is situate who shall be appointed by any justice of the supreme judicial court upon application of either party in term time or vacation, and one of whom shall be learned in sanitary matters, providing the owner of the land in question shall file in the office of the clerk of courts of that county within thirty days from the beginning of condemnation proceedings a petition addressed to the supreme judicial court and requesting decision of the necessity of the appropriation.

—proviso.

Copy of petition shall be mailed to corporation seeking to acquire land.

Section 3. Upon filing of the petition provided for in section two of this act the clerk of courts shall forthwith cause a copy of the same to be mailed to any officer of the corporation seeking to acquire the land in question upon whom service of legal precepts may now be made and no further service shall be necessary unless specially ordered by court.

Commissioners shall fix time for hearing.

Section 4. The commissioners shall fix a time for hearing upon any petition provided for in this act which hearing shall be within thirty days after the filing of such petition in the clerk of court's office by giving written notice to the petitioner and to the corporation seeking to acquire said land of the time so fixed.

All interested parties shall be heard.

Section 5. At the hearing provided for by this act all parties in interest shall be heard either in person by attorney and witnesses may be summoned by either party and attendance compelled as in hearings now provided for by law and the burden of proof to show the necessity of the particular taking shall rest upon the corporation seeking to acquire the property.

Final decision.

Section 6. The decision of a majority of the commissioners shall be final as to questions of fact.

Costs, how taxed.

Section 7. The prevailing party shall be entitled to costs taxed by the clerk of the board of county commissioners as in actions at law in the supreme judicial court to be enforced by an action of debt.

CHAP. 107

Section 8. Upon the commencement of condemnation proceedings the corporation seeking to thus acquire land unless otherwise provided by law may file in the clerk of court's office wherein such land is situate a petition asking that the necessity of such taking may be determined whereupon proceedings shall be had as in the case of a petition by the landowner.

Condemnation
proceedings.

Approved March 28, 1911.

Chapter 107.

An Act to amend Section two of Chapter thirty-eight of the Public Laws of nineteen hundred and five.

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

Section two of chapter thirty-eight of the public laws of nineteen hundred and five, is hereby amended by inserting between the words "shall" and "furnish" in the first line of said section the following: 'by himself, his clerk, servant or agent,' so that the section as amended shall read as follows:

Section 2,
chapter 38,
public laws
1905, amend-
ed.

'No person shall by himself, his clerk, servant or agent furnish oleomargarine in any hotel, restaurant or boarding house, or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter.'

Oleomarga-
rine, furnish-
ing of, regu-
lated.

Approved March 28, 1911.

Chapter 108.

An Act to amend Section fifty of Chapter eighteen of the Revised Statutes, relating to the public health and the prevention of Contagious Diseases.

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

Section fifty of chapter eighteen of the revised statutes is hereby amended by striking out the words "seventeen" in the first line and inserting in place thereof the word, 'twenty-six,' so that said section, as amended, shall read as follows:

Section 50,
chapter 18,
R. S., amend-
ed.

'Section 2. Whoever wilfully violates any provision of the twenty-six preceding sections, or of said regulations and by-laws, or neglects or refuses to obey any order or direction of any local board of health or health officer authorized by said provisions, the penalty for which is not herein specifically provided, or wilfully interferes with any person or thing, to prevent the execution of the provisions of said sections or of said

Penalty for
violations of
certain sec-
tions.