

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-fourth Legislature

OF THE

STATE OF MAINE

1929

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-fourth Legislature

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CHAP. 158

Sec. 5. Justices shall be reimbursed for clerical assistance; limit. The justices of the supreme judicial court shall each receive an annual salary of eight thousand dollars. Each justice shall be reimbursed by the state for his expenses actually and reasonably incurred in attending meetings appointed by the chief justice under the provisions of section forty-three, of chapter eighty-two; and the sessions of the law court, upon presentation to the state auditor of the detailed statement of such expenses. When any justice of said court holds nisi prius terms of said court in any town other than the town in which he resides, or when any hearing of a cause in law or in equity is had in vacation before a justice of said court other than one residing in the county where said hearing is held, such justice shall be reimbursed by the state for his expenses actually and reasonably incurred in holding such terms, or in attending said hearing, upon presentation to the state auditor of a detailed statement of such expenses. The counties wherein such justices reside, have their offices or are holding court shall also receive from the state the expenses necessarily incurred by such justices for postage, stationery, express and telephone tolls. Each justice of said court shall be reimbursed by the state for expenses actually and reasonably incurred by him for clerical assistance, upon presentation to the state auditor of an itemized statement of such expenses. But such total expense for clerical assistance, shall not exceed a total amount of ten thousand dollars in any one year.'

Approved March 28, 1929.

Chapter 158.

An Act Relating to Easements.

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

Sec. 1. R. S., c. 110, sec. 12; relating to right of way or other easement, amended. Section twelve of chapter one hundred and ten of the revised statutes is hereby amended by inserting after the word, "person" in the first line, the words, 'class of persons or the public' and by striking out all of said section after the word "years" in the fourth line and inserting in place thereof the following: 'if a person apprehends that a right of way or other easement in or over his land may be acquired by custom, use or otherwise by any person, class of persons, or the public, he may give public notice of his intention to prevent the acquisition of such easement by causing a copy of such notice to be posted in some conspicuous place upon the premises for six successive days and such posting shall prevent the acquiring of such easement by use for any length of time thereafter; or he may prevent a particular person or persons from acquiring such easement by causing an attested copy of such notice to be served by an officer

qualified to serve civil process upon him or them in hand or by leaving it at his or their dwelling house, or if the person to whom such notice is to be given is not in the state such copy may be left with the tenant or occupant of the estate, if any; if there is no such tenant or occupant, a copy of such notice shall be posted for six successive days in some conspicuous place upon such estate. Such notice from the agent, guardian or conservator of the owner of land shall have the same effect as a notice from the owner himself. A certificate, by an officer qualified to serve civil process, that such copy has been served or posted by him as above provided, if made upon original notice and recorded with it, within three months after the service or posting, in the registry of deeds for the county or district in which the land lies, shall be conclusive evidence of such service or posting' so that said section, as amended, shall read as follows:

'Sec. 12. Prevention of acquisition of easement, posting or serving notice. No person, class of persons or the public, shall acquire a right of way, or other easement from, in, upon or over, the land of another by the adverse use and enjoyment thereof, unless it is continued uninterruptedly for twenty years; if a person apprehends that a right of way or other easement in or over his land may be acquired by custom, use or otherwise by any person, class of persons, or the public, he may give public notice of his intention to prevent the acquisition of such easement by causing a copy of such notice to be posted in some conspicuous place upon the premises for six successive days and such posting shall prevent the acquiring of such easement by use for any length of time thereafter; or he may prevent a particular person or persons from acquiring such easement by causing an attested copy of such notice to be served by an officer qualified to serve civil process upon him or them in hand or by leaving it at his or their dwelling house, or, if the person to whom such notice is to be given is not in the state such copy may be left with the tenant or occupant of the estate, if any; if there is no such tenant or occupant, a copy of such notice shall be posted for six successive days in some conspicuous place upon such estate. Such notice from the agent, guardian or conservator of the owner of land shall have the same effect as a notice from the owner himself. A certificate, by an officer qualified to serve civil process, that such copy has been served or posted by him as above provided, if made upon original notice and recorded with it, within three months after the service or posting, in the registry of deeds for the county or district in which the land lies, shall be conclusive evidence of such service or posting.'

Sec. 2. R. S., c. 110, sec. 13; relating to right of way shall not be acquired by public, repealed. Section thirteen of chapter one hundred and ten of the revised statutes is hereby repealed.

CHAP. 159

Sec. 3. R. S., c. 110, sec. 14; relating to extinguishment of right of way by adverse obstruction, amended. Section fourteen of chapter one hundred and ten of the revised statutes is hereby amended by striking out the words, "as hereinafter stated" in the eighth line and inserting in place thereof the words, 'as provided in section twelve,' so that said section, as amended shall read as follows:

'Sec. 14. Notice in writing by owner as provided, shall be deemed interruption of obstruction. No right of way or other easement existing in, upon, over or through the land of another, shall be extinguished by the adverse obstruction thereof, unless such adverse obstruction has been continued uninterruptedly for twenty years; and a notice in writing given by the owner of such right of way or other easement to the person whose land is subject thereto, setting forth said owner's intention to contest the extinguishment of such right of way or other easement, and duly served and recorded as provided in section twelve, shall be deemed an interruption of such obstruction and prevent the extinguishment of such right of way or other easement.'

Sec. 4. R. S., c. 110, sec. 15; relating to notice, how given, repealed. Section fifteen of chapter one hundred and ten of the revised statutes is hereby repealed.

Approved March 28, 1929.

Chapter 159.

An Act Relating to the Annual Payments to the Aroostook Law Library.

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

R. S., c. 13, sec. 8; P. L., 1921, c. 30; relating to payments to county law libraries, amended. Section eight of chapter thirteen of the revised statutes, as amended by chapter thirty of the public laws of nineteen hundred and twenty-one, is hereby further amended by striking out the words "county of Lincoln" in the second line and inserting in place thereof the words 'counties of Aroostook and Lincoln' and by striking out the word "five," in the eighth line and inserting in place thereof the word 'eight,' so that said section as amended shall read as follows:

'Sec. 8. Aroostook county treasurer shall pay additional eight hundred dollars. The treasurer of each county, except the counties of Aroostook and Lincoln, shall annually pay to the treasurer of the law library association of his county, for the uses and benefits of the county law library, the sum of five hundred dollars. The treasurer of the county of Lincoln shall annually pay to the treasurer of the law library association of said county the sum of two hundred and fifty dollars. The treasurer of Aroos-