

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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shall be held on Sunday, or any day designated for the annual thanksgiving, or for the choice of presidential electors, Washington's birthday, February twenty-second, the nineteenth day of April, the thirtieth day of May, the fourth day of July, the first Monday of September, the day of the state election, Armistice day, November eleventh, or on Christmas day; and when the time fixed for a term of said court falls on either of said days, it shall stand adjourned until the next day, which shall be deemed the first day of the term for all purposes; and the public offices in county buildings may be closed to business on said days.'

Approved April 4, 1929.

Chapter 219.

An Act Relating to Laying Out and Assessing Damages on State and State Aid Highways.

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

Sec. 1. R. S., c. 25, sec. 7; as amended; relating to state and state aid highways, further amended. Section seven of chapter twenty-five of the revised statutes as amended is hereby further amended so as to read as follows:

'Sec. 7. Construction and maintenance of state and state aid highways; subject to apportionment of damages; use of funds appropriated and proceeds of bond issues. The commission shall lay out, construct and maintain a system of state and state aid highways substantially as herein described, and the expense of constructing such state highways shall be borne wholly by the state, except as otherwise provided in section twenty-two, subject to apportionment of any damages as provided by section eleven of this chapter. The commission shall be sole arbiter of the designation of the state and state aid highways, but shall, as to state highways, after reasonable notice by publication, give all parties interested an opportunity to be heard thereon before commencing such construction. Except as provided in section twenty-two, the construction of state highways shall be paid for from funds appropriated for that purpose and from the proceeds of the state bond issues, and the proceeds of the aggregate of such bonds shall be expended equitably among the various counties.'

Sec. 2. R. S., c. 25, sec. 11; relating to commission purchasing or taking land for highways, amended. Section eleven of chapter twenty-five of the revised statutes is hereby amended so as to read as follows:

'Sec. 11. Commission and the county commissioners shall constitute joint board to determine damages; payment of damages. The commission may purchase; take over, and hold for the state as for public use such

materials and land as may be necessary to provide a change of location or alignment of any state or state aid highway as herein designated, or to secure materials, including clay, gravel, sand and rock, with necessary ways and access thereto, for the improvement, construction, and maintenance of state and state aid highways under the provisions of this chapter. Whenever the commission determines that public exigency requires the taking of land as aforesaid, it shall cause the same to be surveyed and described and a plan thereof and said description to be recorded in the registry of deeds for the county or registry district where the same is located, and notice thereof shall be given in some newspaper, if any, published wholly or in part in said county. If the commission is unable to purchase such material or land with necessary ways and access thereto at what it deems a reasonable valuation, the commission and the county commissioners of the county wherein such material or land is located shall constitute a joint board which shall on petition of the commission or interested parties, meet and ascertain and determine the damages in the same manner as provided by statute for land taken for highway purposes, and all parties aggrieved by the estimate of damage shall have like remedies as provided by statute for appraisal of damages for land taken by towns for highway purposes, and such damages shall be paid, one-half in all cases, by the treasurer of state, from the appropriate funds provided under this chapter, and one-half by the county in which said land is situated, or if said land is in two or more counties, then said other half shall be apportioned between and paid by the said several counties in proportion to the damages awarded on the lands situated in each county; except that damages awarded for taking material shall be paid by the state. Said board shall fix a time and place for its hearings and give notice thereof as provided by statute for laying out highways. The commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under the provisions hereof, by executing and recording a deed thereof, and such action shall revert the title to the lands or rights so vacated in the persons, their heirs and assigns, in whom it was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any proceedings therefor on account of such taking. The governor and council on recommendation of the commission may sell and convey on behalf of the state the interests of the state in property acquired by purchase under this section and deemed no longer necessary for the purposes hereof, and the proceeds of such sale shall, so far as practicable, be credited to the fund from which such purchase was originally made.

Sec. 3. R. S., c. 25, sec. 13; relating to authority as to location and alteration of state highways, amended. Section thirteen of chapter twenty-five of the revised statutes is hereby amended so as to read as follows:

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‘Sec. 13. **Determination and assessment of damages in altering highways.** The commission may alter, widen or change the grade of any state or state aid highway whenever in its judgment the public exigency may require, and may lay out, establish and open a new highway as a state or state aid highway. It may also discontinue a highway as a state or state aid highway and the same shall be thereafter maintained by the town or county originally liable therefor, except as herein otherwise provided. Whenever the commission shall alter, widen or change the grade of any state or state aid highway as herein provided, to the injury of an owner of adjoining land, he may within six months, apply in writing for a determination and assessment of his damages in the manner provided by section eleven of this chapter and any person aggrieved by said assessment may have the same determined as provided in section eight of chapter twenty-four. Whenever the commission shall lay out, establish and open a new highway as a state highway or state aid highway, the damages sustained by the owner of any land through which said highway passes shall be determined, assessed and apportioned as provided in section eleven of this chapter, and any person aggrieved by such award may have the damages determined as hereinbefore provided in cases of altering, widening or changing of grade.’

Approved April 4, 1929.

Chapter 220.

An Act Relating to the Powers of the State Highway Police.

Emergency preamble. Whereas, the state highway police have been effective in the enforcement of all the penal laws of the state; and

Whereas, such state highway police have been withdrawn from active enforcement of the laws save those pertaining to motor vehicles; and

Whereas, there is reasonable apprehension on the part of the citizens of Maine lest criminals from other states enter Maine for the purpose of committing offenses against our laws, using such means and force as they see fit, even to the taking of life; and

Whereas, if this act is obliged to take its regular course of awaiting ninety days after the adjournment of the legislature there might result depredations of serious consequence to lives and property; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of the constitution of the state 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. P. L., 1925, c. 144, sec. 2; relating to duties and powers of