

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-fourth Legislature

OF THE

STATE OF MAINE

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KENNEBEC JOURNAL
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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-fourth Legislature

1949

Chapter 174

AN ACT Relating to Procedure on Damages Caused by Location of Highways.

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

Sec. 1. R. S., c. 20, § 13, amended. The 4th sentence of section 13 of chapter 20 of the revised statutes is hereby amended to read as follows:

'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 for land taken for highway purposes, and all parties aggrieved by the estimate of damage shall have like remedies as provided for appraisal of damages for land taken by towns for highway purposes~~ and make a return thereof, filing a copy in the office of the county commissioners, and state therein the share of each owner separately; damages shall be allowed to the owners of reversions and remainders and to tenants for life and for years in proportion to their interests in the estate taken, and such damages shall be paid by the treasurer of state, from the appropriate funds provided by law.'

Sec. 2. R. S., c. 20, § 15, amended. Section 15 of chapter 20 of the revised statutes is hereby amended to read as follows:

'Sec. 15. Authority as to location and alteration of state and state aid highways; proceedings for assessment of damages; appeal. 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 highway; and upon appropriate petition from municipal officers may lay out, establish and open a new highway as a 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 6 months after completion of the work apply ~~in writing to the commission~~ for a determination and assessment of his damages; and if the commission is unable to settle such damages at what it deems a reasonable amount, the commission or interested parties may apply in writing for a determination and assessment of

the damages in the manner provided by section 13. The board shall notify the interested parties by registered mail of the final decision of the board. ~~and any~~ Any person aggrieved by said assessment may ~~have the same determined as provided in section 39 of chapter 79~~ appeal therefrom to the superior court in the county where the land is situated within 30 days after the date of the receipt of the notice of award. The appellant shall file notice of his appeal with the state highway commission and said board, by registered mail within the time above limited, and at the 1st term of the court shall file a complaint setting forth substantially the facts, upon which the case shall be tried like other cases. The court shall determine the same by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages recovered, and judgment for costs in favor of the party entitled thereto, and shall issue execution for the costs only. The clerk shall certify the final judgment of the court to said board, who shall enter the same of record, and order the damages therein recovered to be paid by the treasurer of state. The party prevailing recovers costs to be taxed and allowed by the court, except that they shall not be recovered by the party claiming damages, but by the other party, if on such appeal by either party said claimant fails to recover a greater sum as damages than was allowed to him by the board. The committee shall be allowed a reasonable compensation for their services to be fixed by the court upon the presentation of their report and paid by the treasurer of state upon the certificate of the clerk of courts. Whenever the commission shall lay out, establish and open a new highway as a state 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 13, and any person aggrieved by such award may have the damages determined as hereinbefore provided in cases of altering, widening or changing of grade.

Effective August 6, 1949

Chapter 175

AN ACT Relating to Clerk Hire in the Office of Clerk of Courts in Kennebec County.

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

R. S., c. 79, § 269, amended. That part of section 269 of chapter 79 of the revised statutes which relates to clerk hire in the office of the clerk of