

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Ninety-seventh Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with subsection VI of section 27 of chapter 10 of the Revised Statutes of 1954.

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-seventh Legislature

1955

Chapter 258

AN ACT Relating to Condemnation Proceedings by Water Districts.

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

Sec. 1. R. S., c. 52, § 23, amended. Section 23 of chapter 52 of the revised statutes is hereby amended to read as follows:

'Sec. 23. Necessity of taking determined. The owner of property which is the subject of appropriation for public purposes by any water district may, upon hearing, have the necessity of the particular appropriation determined by the Public Utilities Commission.'

Sec. 2. R. S., c. 52, § 24, amended. Section 24 of chapter 52 of the revised statutes is hereby amended to read as follows:

'Sec. 24. Proceedings. The owner of such property may, within 30 days after the beginning of condemnation proceedings, file in the office of the clerk of courts of the county where the property is situated the Public Utilities Commission, a petition to the superior court Commission for a decision as to the necessity of the appropriation. A copy of the petition and order of notice thereon, attested by the clerk, shall be served upon the respondent. Any justice of the superior court, in term time or vacation, upon such petition, may appoint 3 disinterested commissioners, residents of the county in which the property is situated, one of whom shall be learned in sanitary matters, to determine the necessity of the particular appropriation.'

Sec. 3. R. S., c. 52, § 25, amended. Section 25 of chapter 52 of the revised statutes is hereby amended to read as follows:

'Sec. 25. Proceedings before Commissioners. The Commissioners shall fix a time for hearing, within the county where the property is situated, and give written notice thereof to the owner and to the district seeking to acquire said property. At the hearing all parties in interest shall be heard either in person or by attorney, and witnesses may be summoned by either party and attendance compelled as before other judicial tribunals; the burden of proof to show the necessity of the particular taking shall rest upon the party seeking to acquire the property. The decision of a majority of the Commissioners shall be final as to questions of fact. The prevailing party shall recover costs as in actions at law in the Superior court and execution shall issue therefor.'

Effective August 20, 1955

Chapter 259

AN ACT Relating to Regulation of Railroads by Public Utilities Commission.

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

R. S., c. 45, § 80, additional. Chapter 45 of the revised statutes is hereby amended by adding thereto a new section to be numbered 80, to read as follows: