

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and Fourth Legislature

OF THE

# STATE OF MAINE

Published by the Director of Legislative Research in accordance with  
the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

---

THE KNOWLTON AND MCLEARY COMPANY  
FARMINGTON, MAINE  
1969

---

---

---

PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
ONE HUNDRED AND FOURTH LEGISLATURE  
1969

---

---

---

## Chapter 434

### AN ACT Relating to Contracts for Support.

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

R. S., T. 4, § 311, additional. Title 4 of the Revised Statutes is amended by adding a new section 311, to read as follows:

#### § 311. Contracts for support

All contracts for support for life shall be approved by the probate court in the county in which the support for life is to be rendered. The probate court shall grant approval after such reasonable notice as the court shall determine to be appropriate, if the court shall find, after hearing, that the contract is just and equitable under all of the circumstances.

A contract or agreement for support for life without such probate court approval shall not be received in evidence unless the person offering the contract or agreement shall establish by a preponderance of the evidence that the contract or agreement is just and equitable under all of the circumstances.

This section shall not apply to such contracts or agreements between persons related within the 3rd degree.

Effective October 1, 1969

---

## Chapter 435

### AN ACT Relating to Damage to Private Water Supplies Resulting from Alteration of Highways.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment of the Legislature unless enacted as emergencies; and

Whereas, the present system of reimbursement for well damage by legislative resolve is a great hardship to those in need of a prompt determination and settlement of such claims; and

Whereas, it is imperative that the following legislation be enacted at the earliest possible time to prevent further hardship and delay resulting from such system; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution 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:*

**R. S., T. 23, § 652, amended.** Section 652 of Title 23 of the Revised Statutes is amended to read as follows:

**§ 652. Proceedings on damage claims**

1. **Change of grade.** Whenever the commission shall change the grade of any state or state aid highway as provided in chapters 1 to 19 to the injury of an owner of adjoining land, ~~he~~ **such owner** may within ~~6~~ **24** months after completion of the work according to the records of the commission apply to the commission in writing for a determination and assessment of his damages. If the commission is unable to settle such damages at what it deems a reasonable amount, the commission or interested parties may apply to the Land Damage Board in writing for a determination and assessment of the damages. The proceedings shall then be the same as in condemnation cases.

2. **Private water supplies.** In the event an owner of land adjacent to a state or state aid highway conceives that a private water supply on that land has been destroyed or rendered unfit for human consumption by the commission constructing, reconstructing or maintaining the highway, such owner may apply in writing to the commission for a determination of the alleged cause and assessment of the damage and if such claim is founded on construction, the owner shall present such application within 24 months after completion date of the work as that date appears in the records of the commission.

The application shall set forth the name and address of the owner, the owner's source of title, the location of the property, a description of the damage, the cause to which the damage is attributed and the name and address of any lien holder.

**A.** If the commission determines that it did not cause the alleged damage to such water supply, a copy of the determination shall be served by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court.

**B.** If the commission determines that any damage to the privately owned water supply was caused by the commission constructing, reconstructing or maintaining the highway, a copy of the determination shall be served by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court and shall set forth an offer of settlement which shall be either:

- (1) To replace the water supply; or
- (2) To repair the damage to the water supply; or
- (3) To pay a designated sum of money; or

(4) To purchase the realty served by the water supply in the event the cost of repair or replacement of the water supply exceeds the appraisal value of the realty.

C. The commission may issue rules and regulations in accordance with standards of the Department of Health and Welfare and the Public Health Service regarding water potability for the determination of the degree of contamination, pollution or fitness for domestic use.

D. The commission shall in its determination consider the necessity for installation or replacement of piping, tanks, pumps, heating systems or other related fixtures.

E. If the commission is unable to settle at what it deems a reasonable settlement the commission or owner may apply to the Land Damage Board in writing for a determination of the alleged cause and assessment of the damage. The proceedings shall then be the same as in condemnation cases.

F. This subsection shall not apply to private water supplies ~~that are cre-~~ated after the effective date of this Act where the location does not allow for or provide for adequate surface drainage.

G. This subsection shall not apply to private water supplies now located or hereafter located within the right-of-way limits.

H. This subsection shall not apply to any private water supply damaged by construction, reconstruction or maintenance which the commission determines to have already been contaminated or polluted by another source to the degree said contamination or pollution would have rendered it unfit for human consumption.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 26, 1969

---

---

## Chapter 436

### AN ACT Relating to Reasonable Counsel Fees Under Uniform Act on Paternity.

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

R. S., T. 19, § 271, amended. Section 271 of Title 19 of the Revised Statutes, as enacted by section 2 of chapter 325 of the public laws of 1967, is amended to read as follows: