

## Chapter 317

AN ACT Amending Certain Statutes to Conform to Rules of Civil Procedure.

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

**Sec. 1. R. S., c. 12, § 4-A, amended.** Section 4-A of chapter 12 of the Revised Statutes, as enacted by section 1-A of chapter 435 of the public laws of 1955, is amended to read as follows:

'**Sec. 4-A. Rules and regulations.** The director shall make, amend or rescind, after public hearing thereon, notice of which has been duly advertised in the state paper, reasonable rules and regulations to carry out ~~the provisions of~~ this chapter.'

Such rules and regulations shall become effective when approved in writing by the Governor and Council and when a certified copy thereof has been filed with the Secretary of State. Any person aggrieved by any such rule or regulation ~~or the reasonableness of same,~~ or any act or order of the director in enforcing any such rule or regulation, may appeal ~~to a Justice of~~ by filing in the Superior Court ~~by presenting to him a petition therefor in term time or vacation~~ **complaint within 30 days, and he the court shall fix a time and place of hearing which may be in the chambers or in vacation and cause notice thereof to be given to the director and, after the hearing, the justice court may affirm or reverse the rule, regulation, act or order of the director and the decision of such justice the court shall be final.'**

**Sec. 2. R. S., c. 12, § 7, amended.** The last 2 paragraphs of section 7 of chapter 12 of the Revised Statutes are amended to read as follows:

'Any owner of property of which possession has been taken under ~~the provisions of~~ this section to whom no award has been made or who is dissatisfied with the amount awarded him as compensation may ~~file a petition~~ **bring an action** in the Superior Court in the county in which he lives or has a usual place of business or in the County of Kennebec to have the amount to which he is entitled by way of damages determined. ~~The petitioner plaintiff may make such claim in such a manner as may be provided~~ **bring such action within 6 years** after the date when possession of the property was taken under ~~the provisions of~~ this section, except that if the owner of the property is in the military service of the United States at any time during which he should otherwise have ~~filed his petition~~ **brought his action, he may file bring** the same within 6 years after his discharge from the said military service. ~~The petitioner plaintiff and the State shall severally have the right to have such damages assessed by a jury.~~

In the event, by reason of the death of the owner of property seized under ~~the provisions of~~ this section, he is unable ~~to file his petition or to bring or to continue the action provided for herein, such petition may be filed or the action may be brought or continued~~ by his executor or administrator, as the case may be.'

**Sec. 3. R. S., c. 16, § 68, amended.** The last sentence of section 68 of chapter 16 of the Revised Statutes is amended to read as follows:

'Such expenses shall be reported to the Legislature by the State Tax Assessor and shall be added to the amount of the next state tax levied against such

## PUBLIC LAWS, 1961

## CHAP. 317

Sec. 268. R. S., c. 96, § 93, amended. Section 93 of chapter 96 of the Revised Statutes is amended to read as follows:

'Sec. 93. Railroad company notified of action against town for defective crossing. In ~~an~~ a civil action against a town for damages alleged to have occurred by reason of a defect in a railroad crossing constituting part of a highway which said town is obliged to keep in repair, the railroad company owning or occupying such crossing may be notified of the pendency of the ~~suit~~ action and take upon itself the defense of the same.'

Sec. 269. R. S., c. 96, § 94, amended. Section 94 of chapter 96 of the Revised Statutes is amended to read as follows:

'Sec. 94. Liability of railroad company. In such trial described in section 93, after notice as provided therein, if the plaintiff recovers and the jury finds specially that the damage was occasioned by the fault of such company, it shall be liable to the defendants in said ~~suit~~ action in ~~an~~ a civil action ~~of debt~~ for all damage and costs paid by them.'

Sec. 270. R. S., c. 96, § 105, amended. The first sentence of section 105 of chapter 96 of the Revised Statutes is amended to read as follows:

'If the municipal officers of any town unreasonably neglect to cause a guide-post to be erected in their town as provided by law, they forfeit \$5 for each month's neglect, to be recovered in ~~an~~ a civil action ~~on the case~~ by any person suing therefor.'

Sec. 271. R. S., c. 96, § 106, amended. The last sentence of section 106 of chapter 96 of the Revised Statutes is amended to read as follows:

'If not so made, the person making it is liable to the town, in an action ~~on the case~~ for all damages occasioned by the repair of the way or paid to persons injured by defects therein caused by such excavation.'

Sec. 272. R. S., c. 96, § 122, amended. The last sentence of section 122 of chapter 96 of the Revised Statutes is amended to read as follows:

'If any owner or occupant, on requirement of the surveyor, neglects to furnish his proportion of labor, materials or money, the same may be furnished by the other owners and occupants and recovered of him in ~~an~~ a civil action ~~on the case~~.'

Sec. 273. R. S., c. 96, § 135, amended. Section 135 of chapter 96 of the Revised Statutes is amended to read as follows:

'Sec. 135. Actions for collection. If assessments under ~~the provisions of~~ section 131 are not paid, and said town does not proceed to collect said assessments by a sale of the lots or parcels of land upon which such assessments are made, or does not collect or is in any manner delayed or defeated in collecting such assessments by a sale of the real estate so assessed, then the said town, in the name of said town, may maintain ~~an~~ a civil action against the party so assessed for the amount of said assessment, ~~as for money paid, laid out and expended~~ in any court competent to try the same, and in such ~~suit~~ action may recover the amount of such assessment with 12% interest on the same from the date of said assessments and costs.'