

§2505. Damages; recovery of award and costs

An owner of land near or adjoining a highway or road along which lines are constructed, erected or altered in location or construction by any person may recover damages as follows. [PL 1987, c. 141, Pt. A, §6 (NEW).]

1. Assessment of damages. If the owner's property is in any way injuriously affected or lessened in value, whether by occupation of the ground or air or otherwise by the construction, alteration or location of a line, whether the owner is the owner of the fee in the way or not, the owner may within 6 months after the construction, alteration or location apply to the municipal officers to assess and appraise the damage.

[RR 2021, c. 1, Pt. B, §401 (COR).]

2. Duties of municipal officers. Before entering upon the service, the municipal officers shall each be sworn to perform faithfully and impartially the following duties.

A. They shall on view make a just appraisal in writing of the loss or damage, including the elements of damage as provided for land taken for highway purposes under Title 23, section 154, subsections 2, 3 and 4, if any, to the applicant. [PL 1987, c. 141, Pt. A, §6 (NEW).]

B. They shall sign duplicates of the written appraisal. [PL 1987, c. 141, Pt. A, §6 (NEW).]

C. They shall on demand deliver one copy to the applicant and the other to the person constructing the line or that person's agent. [RR 2021, c. 1, Pt. B, §402 (COR).]

[RR 2021, c. 1, Pt. B, §402 (COR).]

3. Award and costs. If damages are assessed and awarded to the land owner the person constructing the line shall pay them, with the costs of the appraisers. If the appraisers find that the applicant has suffered no damage, the landowner shall pay the costs of the appraisers.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

4. Failure to pay award and costs. If the award and costs are not paid within 30 days after a written demand for them is served upon the person or any of the person's agents, the owner of land may bring a civil action to recover the award and costs in the Superior Court for the county in which the land is located. Full costs must be allowed.

[RR 2021, c. 1, Pt. B, §403 (COR).]

5. Municipal officers fees. Before entering upon the discharge of their duties under this section, the municipal officers may require the applicant to advance them their fees for one day and from day to day after they have entered upon the discharge of their duties.

[PL 1987, c. 141, Pt. A, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 141, §A6 (NEW). RR 2021, c. 1, Pt. B, §§401-403 (COR).

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