
By Mr. Silvano, petition of Richard S. Bowers for legislation relative to land takings providing that a person petitioning for the assessment of damages may recover his reasonable attorney's fees and other costs and providing that interest be paid at the rate of six per cent per annum. Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT RELATIVE TO LAND TAKINGS PROVIDING THAT A PERSON PETITIONING FOR THE ASSESSMENT OF DAMAGES MAY RECOVER HIS REASONABLE ATTORNEY'S FEES AND OTHER COSTS AND PROVIDING THAT INTEREST BE PAID AT THE RATE OF SIX PER CENT PER ANNUM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8A of chapter 79 of the General Laws
2 is hereby amended by striking out, in the first and third sen-
3 tences, as appearing in section 3 of chapter 626 of the acts of
4 1959, the words "taxable costs" and inserting in place thereof
5 the words: — costs as provided in section 38. Said section 8A
6 is further amended by striking out, in the second paragraph,
7 the words "costs and" and "four" and inserting after the words
8 "at the rate of" the word: — six.

1 SECTION 2. Section 37 of said chapter 79, as amended by
2 chapter 298 of the acts of 1960, is hereby further amended by
3 striking out the word "four" and inserting after the words "at
4 the rate of" the word: — six.

1 SECTION 3. Said chapter 79 is hereby further amended by
2 striking out section 38, and inserting in place thereof the fol-
3 lowing section: — *Section 38.* In all proceedings before county
4 commissioners under this chapter, section eighteen of chapter
5 thirty-four shall be applicable. In all proceedings brought
6 under section fourteen, if a petition is filed after an award of

7 damages has been made and the damages are increased, or if
8 no award has been made and the petitioner is found to be en-
9 titled to damages, he shall recover costs which shall include
10 his reasonable costs for an attorney, maps, plans, photographs,
11 witnesses and expert witnesses, in addition to all other costs
12 which he could recover as in actions at law; otherwise, he shall
13 pay costs.

1 SECTION 4. Section 39 of said chapter 79 is hereby amended
2 by striking out, in the second sentence, as appearing in section
3 5 of chapter 626 of the acts of 1959, the words "taxable costs"
4 and inserting in place thereof the words: — costs as provided
5 in section 38.

1 SECTION 5. Section 11 of chapter 80A of the General Laws
2 is hereby amended by inserting in the first sentence, after the
3 words "in full", the following words:— which shall specifically
4 include but not be limited to his reasonable costs for an attor-
5 ney, maps, plans, photographs, witnesses and expert wit-
6 nesses.

1 SECTION 6. Section 12 of said chapter 80A is hereby
2 amended by striking out, in the third sentence, the word
3 "four", and inserting in place thereof the word: — six.

1 SECTION 7. Section 13 of said chapter 80A is hereby
2 amended by striking out, at the end of the second sentence,
3 the words "be liable for such costs" and inserting in place
4 thereof the words: — pay costs.

1 SECTION 8. This act shall apply only to orders of taking
2 adopted on and after the effective date of this act.