

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 882

H. P. 683

House of Representatives, February 19, 1969

Referred to Committee on Education. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by by Mr. Carrier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Location of Schools and Size of School Projects.

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

Whereas, the present state laws (Title 20, §§ 3562 and 3562-A) limit the size of any one school building lot and playgrounds project which can be acquired by condemnation proceedings to 25 acres for any one project; and

Whereas, the said limitation imposes an undue hardship in providing for proper school facilities for the education of the youth of our State; and

Whereas, the following legislation is vitally necessary to prevent such undue hardship on our municipalities and citizens in providing for proper school facilities for several pending projects; 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:

Sec. 1. R. S., T. 20, § 3562, amended. The first sentence of section 3562 of Title 20 of the Revised Statutes, as repealed and replaced by section 1 of chapter 241 of the public laws of 1965, is amended to read as follows:

When a location for the erection of, or an addition to, a school building has been legally designated by vote of a municipality, at any town meeting, city

election or vote of a city council, called for that purpose and the owner thereof refuses to sell, or, the parties are unable to agree on a price within 60 days of the first offer or the owner resides without the State and has no authorized agent or attorney therein, the municipal officers may lay out a schoolhouse lot and playgrounds, ~~not exceeding 25 acres for any one project~~ and appraise the damages as is provided for laying out town ways, and on payment or tender of such damages, or if such owner does not reside in the State, upon depositing such damages in the treasury of such town for his use, the municipality designating it may take such lot to be held and used for the purposes aforesaid.

Sec. 2. R. S., T. 20, § 3562-A, amended. The first sentence of section 3562-A of Title 20 of the Revised Statutes, as enacted by section 1 of chapter 241 of the public laws of 1965, is amended to read as follows:

When the location of a school lot has been determined by a vote of the legal voters of a School Administrative District, upon the recommendation of the board of directors, and the owner of the property thereof refuses to sell, or, the parties are unable to agree on a price within 60 days of the first offer or the owner resides without the State and has no authorized agent or attorney therein, the board of directors may take and acquire a lot for the erection of, or an addition to, a school building and requisite playgrounds, ~~not exceeding 25 acres for any one project~~ and appraise the damages sustained by the owner, as is provided for laying out county ways by Title 23, sections 2052 and 2054, except that no notice need be given to the State Highway Commission; and on payment or tender of such damages, or if such owner does not reside in the State, upon depositing such damages in the treasury of the county for his use, the School Administrative District may take such lot to be held and used for the purposes aforesaid.

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