

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 Hundredth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with
the Revised Statutes of 1954, Chapter 10, Section 27, Subsection VI.

KENNEBEC JOURNAL

AUGUSTA, MAINE

1961

Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the One Hundredth Legislature

1961

Chapter 141

AN ACT Relating to Eminent Domain Under Slum Clearance and Redevelopment Authority Law.

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

Sec. 1. P. & S. L., 1951, c. 217, § 3, sub-§ (m), amended. Subsection (m) of section 3 of chapter 217 of the private and special laws of 1951 is amended to read as follows:

'(m) "Real property" shall include all lands with the buildings or structures thereon, or buildings and structures alone not including the land upon which located, but including an easement over, through and upon such land for such period of time as the authority shall deem necessary for clearance, renewal or rehabilitation of such buildings or structures, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.'

Sec. 2. P. & S. L., 1951, c. 217, § 8, sub-§ (h), additional. Section 8 of chapter 217 of the private and special laws of 1951, as amended, is further amended by adding a new subsection (h), to read as follows:

'(h) Upon the filing of the bond or bonds with the clerk of said Superior Court guaranteeing payment of the amount of the awards made by the authority as just compensation for the real property taken and after notice of the taking and award to the owners of and persons having an estate in or interest in such real property, no interest shall be allowed on any such award covered by said bond or bonds in the event an appeal from said award is to be taken or if transfer of title to the authority is delayed because of defect in the title of any such owner or for any other reason beyond the control of the authority and not caused by the authority.

Any owner or owners of record named in said resolution and statement as having an estate or interest in said real property, or any person acting in their behalf, desiring to appeal such award, may petition the said Superior Court for payment of all or any part of said award made on account of just compensation for such taking. Such petition shall include:

1. A statement that the petitioner is the owner of record of the real property involved, is entitled to just compensation and has not conveyed or transferred any of his rights;
2. A statement of the mortgages, tax liens or other encumbrances on the property involved;
3. An agreement that he will repay to the authority in whatever manner may be directed by the court all or any part of any such award paid by order of the court if it is determined by the court that another person or persons may be entitled to all or part of said award or that the valuation of the real property described is less than the amount of the award paid over to him.

Upon such petition, the court may order all or any part of such award thus made to be paid by the authority to the petitioner forthwith without prejudice to the petitioner's right to have the amount of compensation adjudicated by appeal. In the event of such appeal, if the just compensation finally awarded, exclusive of interest, is less than the award of the authority, then the court shall give judgment in favor of the authority for the excess of the award over the final award and for its costs from the time of appeal and execution may be issued on such judgment. If the just compensation finally awarded, exclusive of interest, is not less than the award, then the court shall give judgment to the appellant for the amount in which the final award is in excess of the original award and for interest on such excess from the date of taking and for costs from the time of appeal. The clerk shall certify the final judgment of the court to the authority which shall pay the same to the appellant.'

Sec. 3. P. & S. L., 1951, c. 217, amended. The name of the "Slum Clearance and Redevelopment Authority", a public body corporate and politic created by the Legislature of the State of Maine by chapter 217 of the private and special laws of 1951, as amended by chapter 94 of the private and special laws of 1955, chapter 97 of the private and special laws of 1955, and chapter 193 of the private and special laws of 1957, is hereby changed to "Portland Renewal Authority".

Effective September 16, 1961

Chapter 142

AN ACT Relating to Superintending School Committee of Town of Kennebunkport.

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

Superintending school committee. The Town of Kennebunkport may increase the membership of the superintending school committee to 5 members.

The Town of Kennebunkport may choose by ballot at its annual town meeting 3 additional superintending school committee members to serve with the 2 members already in office, and shall fill vacancies arising therein at each subsequent annual town meeting.

The 3 members thus chosen shall designate by lot one member to serve 2 years and the other 2 members to serve 3 years; and they shall certify such designation to the town clerk to be by him recorded; and thereafter the members shall be chosen by ballot at the annual meeting of the Town of Kennebunkport to hold office for 3 years. Said committee may fill vacancies occurring between annual meetings, and the term of office of any member of the committee so chosen shall expire at the next annual meeting.

A vote of a majority of the full membership of the committee shall be required for the purpose of conducting business and exercising the powers of the committee and for all other purposes.

No member of the superintending school committee shall be employed as a teacher in any public school or contract high school or academy located within