

MAINE STATE LEGISLATURE

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no
October 23, 1944

To Charles P. Bradford, Field Man, Park Commission
From Abraham Breitbard, Deputy Attorney General

With regard to your recent inquiry relative to the exercise of the right of eminent domain under the provisions of Chapter 114 of the Public Laws of 1935, creating the State Park Commission, while the law authorizes the commission, with the consent of the Governor and Council ". . . to acquire in behalf of the state, land or any interest therein, within the state, with or without improvements by purchase or gift, and by eminent domain. . ." there is no procedure set up directing how such land is to be taken or how it is to be appraised and compensation made to the owners or others having an interest in the land. Until such a procedure is provided for, eminent domain cannot be exercised.

Answering your other inquiry, I am of the opinion that you may take options on land, to be exercised when and if the legislature will appropriate funds for such purpose. I believe, however, that before taking an option, consent of the Governor and Council must be had.

Abraham Breitbard
Deputy Attorney General.

AB:c