

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 828

H. P. 611

House of Representatives, January 25, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Hancock of Nobleboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Enlarge the Powers of the Town of Wiscasset School District.

Emergency preamble. Whereas, the Town of Wiscasset School District has commenced construction of a secondary school and related facilities in the Town of Wiscasset; and

Whereas, it is imperative that sufficient land be available to the district for construction of all necessary and related facilities, including sewerage treatment and disposal facilities, which affect the health, safety, and welfare of the public attending the school; and

Whereas, the acquisition of land by the Town of Wiscasset School District will be necessary before the expiration of 90 days after the adjournment of the Legislature; 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, safety and welfare; now, therefore,

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

P. & S. L., 1959, c. 136, § 3-A, additional. Chapter 136 of the private and special laws of 1959 is amended by adding a new section 3-A, to read as follows:

‘Sec. 3-A. Taking real estate; damages; appeal. .The trustees of the Town of Wiscasset School District are authorized to lay out and take real estate in the Town of Wiscasset for the enlargement or extension of any location designated and used for secondary school purposes by said Town of Wiscasset School

District. Any enlargements or extensions may include real estate located on the opposite side of any public highway from the location designated and used for secondary school purposes by the Town of Wiscasset School District. When such real estate taken has ceased to be used for school purposes for 2 successive years, said real estate shall revert to the owner, his heirs or assigns, on demand by him or them made in writing to the trustees of the Town of Wiscasset School District or its successor in title, subject to the right of the Town of Wiscasset School District or its successors in title to enter and remove buildings at anytime within 6 months after said demand.

The trustees of the Town of Wiscasset School District shall appraise the damages and tender payment of the damages to the owner. If the owner thereof refuses to sell or, in the opinion of the trustees asks an unreasonable price for the real estate, or resides outside the State and has no authorized agents or attorneys therein, or the owner of said real estate cannot be ascertained by checking the record title, the trustees may deposit damages as appraised with the treasurer of Lincoln County for said owner's use. In the event that the owner of the property is unknown, the trustees shall advertise in one state paper and in one local paper for 3 consecutive weeks prior to the tendering of appraised damages to the treasurer of Lincoln County.

If the owner is aggrieved by the damages awarded by the trustees, he may apply to the county commissioners of Lincoln County within 6 months from the deposit of appraised damages. The county commissioners shall constitute a board of appraisers which shall determine the value of the property or land to be taken, make a correct return of their doings signed by them, and state in their return the name of the person to whom damages are allowed and the amount allowed. The county commissioners shall give 14 days notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. The return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk and notice thereof given to the interested parties. If the damages are increased, the Town of Wiscasset School District shall pay the damages and costs; otherwise, the costs shall be paid by the applicant.

Any interested party aggrieved by the county commissioners' determination of damages may appeal from their determination within 30 days following the date of filing of their return to the Superior Court of Lincoln County by filing a notice of appeal with said clerk of courts for said county. If no such appeal is made the proceedings shall be closed and become effectual, all claims for damages not allowed by the county commissioners be forever barred, and all damages allowed by the county commissioners be final. If an appeal be taken in the manner provided, the court shall determine the damages by a committee of reference if the parties so agree, or by a verdict of its jury, and shall render judgment for the damages and judgment for costs in favor of the party entitled thereto. An appeal may be taken to the law court as in other civil actions.'

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