

# MAINE STATE LEGISLATURE

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ONE - HUNDRED - FIRST LEGISLATURE

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**Legislative Document**

**No. 1483**

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S. P. 551

In Senate, March 27, 1963

Referred to Committee on Legal Affairs and ordered sent forthwith. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Ferguson of Oxford.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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**AN ACT to Authorize School Administrative District No. 17 to Take a Schoolhouse Lot by Condemnation in the Towns of Norway and Paris.**

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

Whereas, in order to provide secondary education for the pupils of School Administrative District No. 17 it is essential that such district acquire a suitable site for the construction of a new high school facility; and

Whereas, the following special legislation is vital for the education of the youth of said School Administrative District No. 17; 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:

**Schoolhouse lot by condemnation.** The school directors of School Administrative District No. 17 are authorized to lay out a schoolhouse lot and playground not exceeding 25 acres in the Towns of Norway and Paris. It shall cause the description thereof to be recorded in the registry of deeds for the eastern district of Oxford County, and shall give notice of the taking to all interested parties by publishing notice of said taking in a newspaper published and printed in said County of Oxford. The recording of said description shall vest the fee of the described property in School Administrative District No. 17. When said schoolhouse lot has ceased to be used for school purposes for 2

successive years, said lot reverts to the owner, his heirs or assigns, on demand by him or them in writing to the school directors of School Administrative District No. 17. Such property is particularly described as follows, to wit:

Beginning at the intersection of Main Street and Fair Street at the division line between the Towns of Norway and Paris; thence easterly along the southerly side of Main Street about 850 feet to a stone post at the northwesterly corner of Norway Pine Grove Cemetery; thence southerly by the westerly line of said cemetery property about 350 feet to a stone post; thence south 23 degrees 15 minutes west 1050 feet to a point; thence south 80 degrees west about 675 feet to a stone post at an angle in the division line between the Towns of Norway and Paris, which post is situated 127 rods, more or less, northwesterly from the Little Androscoggin River; thence north 37 degrees 30 minutes east along said division line about 260 feet to an iron post; thence northwesterly parallel to Brown Street about 525 feet to the southeasterly corner of land of Edson Staples, Jr.; thence northeasterly by line of land of Edson Staples, Jr., 120 feet to an angle in said line; thence northwesterly by line of land of said Staples 200 feet to Fair Street; thence northeasterly by the southeasterly line of Fair Street 980.4 feet to the point of beginning, containing 24.5 acres. Saving, excepting and reserving such rights, privileges and easements pertaining to said property as may be held by the Inhabitants of South Paris Village Corporation in connection with its sewage disposal system, and as may be held by the Central Maine Power Company to maintain its power lines across the same.

The school directors of School Administrative District No. 17 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 school directors, asks an unreasonable price for it, or resides without the State and has no authorized agents or attorneys therein, or the owner of said property cannot be ascertained by checking the record title, the directors may deposit damages as appraised with the county treasurer of Oxford County for said owner's use. In the event that the owner of the property is unknown, the school directors of School Administrative District No. 17 shall advertise in one state paper and in one local paper for 3 consecutive weeks prior to the tendering of appraised damages to the county treasurer.

If the owner is aggrieved by the damages awarded by the school directors, he may apply to the county commissioners within 6 months from the deposit of damages. The county commissioners of Oxford County 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 the 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, School Administrative District No. 17 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 90 days to the Superior Court of Oxford County by filing a notice of appeal with said county clerk of courts. If no such appeal is made, the proceedings shall be closed and become effectual, all claims for damages not allowed by them be forever barred, and all damages allowed by them 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 Supreme Judicial Court.

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

#### STATEMENT OF FACTS

The school directors of School Administrative District No. 17 have determined that it is necessary to construct a new school building to adequately and safely provide for secondary education in said district. The directors have determined that the most suitable site for said building and lot is in the Towns of Norway and Paris lying southeast of the intersection of Main and Fair Streets, so called. It is impossible to determine if the record title holder of said property has a valid legal corporate existence or has any members or legally elected officers who can act for it to convey title to the real estate comprising the site selected which would be acceptable to title examining attorneys who would pass upon the validity of the bond issue necessary to carry the project into effect; and said School Administrative District No. 17 cannot determine to whom it should tender the damages for the taking of said site under the existing general law. The purpose of this act is to permit the acquisition of specified property in the Towns of Paris and Norway by School Administrative District No. 17 for school purposes.