

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 30

S. P. 18

In Senate, January 7, 1965

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

EDWIN H. PERT, Secretary

Presented by Senator Stern of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

**AN ACT Relating to Eminent Domain Under Urban Renewal Authority Law in
City of Bangor.**

Emergency preamble. Whereas, the Urban Renewal Authority of the City of Bangor is now in the execution stage of 2 Urban Renewal projects within the City of Bangor; and

Whereas, certain interests in land are to be condemned by the authority under the exercise of the power of eminent domain; and

Whereas, the magnitude of said projects is such that certain inequities will develop to the detriment of Urban Renewal Authority and certain owners of interests in land to be condemned; 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. P. & S. L., 1957, c. 168, § 3, amended. The 4th paragraph from the end of section 3 of chapter 168 of the private and special laws of 1957 is amended to read as follows:

“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 rehabilita-

tion 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., 1957, c. 168, § 8, amended. Section 8 of chapter 168 of the private and special laws of 1957 is amended by adding at the end the following:

'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 any part of said award made on account of just compensation for such taking up to 80% of said award. Such petition shall include:

- I. 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;
- II. A statement of the mortgages, tax liens or other encumbrances on the property involved;
- III. 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 any part of such award thus made up to 80% 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.'

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