

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 822

H. P. 634

House of Representatives, February 13, 1969

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lewin of Augusta.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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**AN ACT to Give the Commissioner of Veterans Services Power to Acquire  
Land by Eminent Domain.**

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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, the 102nd Legislature in regular session by chapter 422 of the public laws of 1965 established the Veterans Memorial Cemetery and provided for the acquisition of land for the construction thereof; and

Whereas, the Commissioner of Veterans Services proceeded to acquire land by eminent domain for the Veterans Memorial Cemetery; and

Whereas, after the commencement of construction of the Veterans Memorial Cemetery suit was brought questioning the authority of the Commissioner of Veterans Services to acquire the land for the cemetery by eminent domain; and

Whereas, the Superior Court of Kennebec County has determined that the Commissioner of Veterans Services does not have authority to take land for the site of the cemetery by eminent domain; and

Whereas, construction of the Veterans Memorial Cemetery has been interrupted; and

Whereas, in order to facilitate the establishment of a Veterans Memorial Cemetery the following legislation is vitally necessary and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the fol-

lowing 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 :

**R. S., T. 37, § 21, amended.** Section 21 of Title 37 of the Revised Statutes, as enacted by section 1 of chapter 422 of the public laws of 1965 and as amended by section 3 of chapter 502 of the public laws of 1967, is further amended to read as follows :

**§ 21. Land purchase**

The Commissioner of Veterans Services ~~shall~~ **may** acquire by purchase, gift or otherwise from the owners thereof, at such price as shall be mutually agreed upon between the commissioner and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions of this chapter for a Veterans Memorial Cemetery, and obtain from such owners the title in fee simple for the same. Such real estate shall be not less than 50 acres and shall be near the center of population of the State of Maine.

The Commissioner of Veterans Services is authorized and empowered with the consent of the Governor and Council, to take and acquire by eminent domain on behalf of the State of Maine real estate or any interest therein, with or without improvements, for the purpose of carrying into effect the provisions for a Veterans Memorial Cemetery. The consent of the Governor and Council shall be given according to Title 1, chapter 21. Such real estate or any interest therein shall be not less than 50 nor more than 200 acres and shall be near the center of population of the State of Maine. When land is so taken by eminent domain, proceedings for such purpose shall be in accordance with Title 35, chapter 263.

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