

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1392

S. P. 426

In Senate, April 2, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Clifford of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Create a Commission to Prepare a Revision of the Eminent Domain Statutes.

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

Sec. 1. Commission; duties. A special commission shall be constituted and appointed to supervise the preparation, in final legislative draft form, of a proposed Eminent Domain Code for the State of Maine, which shall be presented to the regular session of the 108th Legislature. The proposed Eminent Domain Code shall include and consist of a revision, redraft and rearrangement of appropriate sections of the Revised Statutes pertaining to the eminent domain law and its administration. The proposed Eminent Domain Code may, without limitation, incorporate such necessary repealers, amendments and modifications of existing laws as, in the judgment of the commission, are necessary and appropriate to accomplish its purposes. The proposed code may include any new or modified provisions, as, in the judgment of the commission, best serve the interests of the people of the State, and the commission shall give due consideration to the eminent domain laws of other states, the Uniform Eminent Domain Code and the requirements for enforcement of an Eminent Domain Code. The commission shall employ such counsel as may be required, to perform the necessary research and drafting of this code, such counsel, if any, to meet the requirements as set forth in section 4 of this Act. The commission shall hold public hearings as may be deemed necessary to acquaint the public. It is the purpose and intent of this Act to provide the commission with sufficient authority and funds to enable it to present to the Maine Legislature a fully modern, integrated and consistent Eminent Domain Code.

Sec. 2. Membership. The membership of the commission shall consist of 12 persons. The Governor shall appoint one member of the bar from a list furnished by the President of the Maine Bar Association, 2 qualified appraisers, one member of the Land Damage Board and one representative of the Department of Transportation. The Chief Justice of the Supreme Judicial Court shall appoint one Justice of the Supreme Judicial Court and one Justice of the Superior Court. The Speaker of the House shall appoint 3 members of the House and the President of the Senate shall appoint 2 Senators. Vacancies in any membership shall be filled in the same manner as the original appointment to that membership.

Sec. 3. Meetings. The commission shall be appointed promptly upon enactment of this Act and the Governor shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings and such financial records as may be required by the State Auditor and shall report periodically its progress to the Governor.

Sec. 4. Counsel. The commission shall contract such counsel as is deemed necessary who need not be a resident of this State, who shall have the responsibility for legal research and drafting required in connection with the preparation of the proposed Eminent Domain Code, under the direction and supervision of the commission. No person shall be employed as counsel who shall not, by virtue of prior training, experience, ability and reputation have clearly demonstrated the ability to perform the tasks to be assigned to him by the commission. The counsel shall, while preparing any proposed legislation for the commission, cooperate with the office of Director of Legislative Research or its successor as to matters of statutory form.

Sec. 5. Reimbursement of expenses. The members of the commission shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures.

Sec. 6. Appropriation. There is appropriated from the General Fund the sum of \$10,000 for the fiscal year ending June 30, 1976 to carry out the purposes of this Act. Any unexpended balance shall not lapse but shall remain a continuing carrying account until June 30, 1977.

STATEMENT OF FACT

This Act establishes a commission to study and draft an Eminent Domain Code for Maine. The present eminent domain statutes are currently in need of revision, and there is available, in the Uniform Eminent Domain Code promulgated by the National Conference of Commissioners on Uniform State Laws, a model which can be used as a point of departure for the committee's study and revision of Maine's eminent domain statutes.