

MAINE STATE LEGISLATURE

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EMERGENCY
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 707

H. P. 624

House of Representatives, February 6, 1981

Submitted by the Department of Transportation pursuant to Joint Rule 24.

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

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

Cosponsors: Representative Brenerman of Portland, Senator Najarian of Cumberland and Senator Emerson of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to the Acquisition of Land and Building for Development of Fish Piers.

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

Whereas, it has become necessary for the Department of Transportation to acquire land and improvements in Portland for the proposed Portland fish pier site; and

Whereas, this acquisition must be accomplished as soon as possible so as not to unreasonably delay the construction of the facility; and

Whereas, the language in the existing Act needs to be clarified so the department can acquire the necessary land and existing improvements; 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:

P&SL 1979, c. 53, § 6 is amended to read:

Sec. 6. Acquisition of real property. ~~Land~~ **Real property** required for improvements undertaken ~~directly pursuant to this Act~~ by the Department of Transportation may be acquired for the purpose of making necessary improvements in the same manner as provided in the Revised Statutes, Title 23, ~~section 154~~ **chapter 3, including those sections relating to Relocation Assistance.**

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

STATEMENT OF FACT

This bill removes any ambiguity which may exist in current law to assure that the Department of Transportation has the legal authority to acquire any interests in real estate, including estates less than fee simple, easements and fixtures, necessary for the construction of fish piers. This will facilitate acquisition of property necessary without expensive and unnecessary litigation.