

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(After Deadline)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1582

H.P. 1186

House of Representatives, May 9, 1983

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

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

EDWIN H. PERT, Clerk

Presented by Representative Vose of Eastport.

Cosponsors: Representative Roderick of Oxford, Senator Baldacci of Penobscot and Representative Lewis of Auburn.

STATE OF MAINE

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

AN ACT to Establish Time Limits for the
Eminent Domain Procedures for Sanitary and
Sewer Districts.

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

38 MRSA §1154, as enacted by PL 1965, c. 310, is amended to read:

§1154. Appeal

If any person sustaining damages by any taking by a sanitary district under section 1153 shall not agree with such district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county in which the property is located, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restric-

1 tions, conditions and limitations as are or may be by
2 law prescribed in the case of damages by the laying
3 out of highways by the county commissioners, except
4 only:

5 A. Title to the lands, real estate, easements or
6 interests therein and other property and rights
7 to be taken shall not vest in the district until
8 payment to the owner of the amount awarded there-
9 for or, if such payment is refused upon tender,
10 until tender thereof to the Treasurer of the
11 County in which lands and interests are located,
12 for escrow at interest for the benefit of the
13 owner pending final determination of the amount
14 to which the owner is entitled; and

15 B. In the event of an appeal of the amount
16 awarded as damages for such taking.

17 (1) The petition for assessment of damages
18 shall be filed with the clerk of the county
19 commissioners, by either party, within 30
20 days following the filing and recording of
21 plans of the location of all the property,
22 facilities and rights taken; and

23 (2) If the return of the county commission-
24 ers has not been made within 120 days fol-
25 lowing the filing of the petition for
26 assessment, the county commissioners shall
27 be conclusively presumed to have confirmed
28 the award of damages by the district and
29 either party may, within 30 days following
30 that 120 day period, appeal the amount of
31 the damages awarded by the district to the
32 Superior Court.

33 STATEMENT OF FACT

34 This bill sets deadlines for appeal to and action
35 by the county commissioners. Under Title 38, section
36 1252 these provisions apply to sewer districts

1 incorporated under the private and special laws, as
2 well as sanitary districts formed under the Maine
3 Sanitary District Enabling Act.

4

3564050283