MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1410

H.P. 1047 House of Representatives, May 4, 1987 Submitted by the Department of Transportation pursuant to Joint Rule 24.

Reference to the Committee on Transportation suggested and ordered printed.

EDWIN H. PERT, Clerk Presented by Representative SALSBURY of Bar Harbor. Cosponsored by Representatives VOSE of Eastport and STROUT of Corinth.

STATE OF MAINE

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

1 2 3	AN ACT to Clarify the Taking of Property by the Department of Transportation.
4 5	Be it enacted by the People of the State of Maine as follows:
6 7 8	Sec. 1. 23 MRSA §153, sub-§5, as amended by PL 1981, c. 470, Pt. A, §123, is further amended to read:
9 10 11 12	5. Automobile graveyards. Secure the relocation, removal or disposal of automobile graveyards and junkyards which are not in conformity with Title 30, sections 2451 to 2459; and
L3 L4	Sec. 2. 23 MRSA §153, sub-§6, as repealed and replaced by PL 1965, c. 492, §1, is amended to read:

6. Buildings. Erect administrative, storage and 1 2 operational buildings used in affecting the objec-3 tives in conformity with section 1; or Sec. 3. 23 MRSA §153, sub-§7 is enacted to read: 5 ' 7. Other projects. Construct, improve and maintain transportation projects as directed by law. Sec. 4. 23 MRSA \$153, last ¶, as amended by PL 1971, c. 593, \$20, is further amended to read: Where property is to be purchased or taken and held for the State, the department shall first 10 cause the property or interest therein necessary to 11 12 be acquired to be surveyed and described and a plan thereof made and to be appraised by one or more ap-13 14 praisers who in making each appraisal shall contact the owner or one of the owners or his designated rep-15 resentative if reasonably possible. All persons 16 17 ployed by the department are authorized, to the extent necessary for surveys and preliminary engineer-ing, to enter and cross all lands within, adjoining 18

STATEMENT OF FACT

out the objectives of this section.

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23 bill clarifies the Maine Revised Statutes, 24 Title 23, section 153, to make clear that the Depart-25 ment of Transportation can acquire property not only for highway purposes, but for all transportation purposes to which it is directed by law. The Department 26 27 28 Transportation as successor to the State Highway 29 Commission is not only involved in the acquisition of property for highway purposes, but is also involved 30 31 public transportation projects, coastal improve-32 ments such as fish piers and cargo ports and aeronau-33 tics.

and adjacent to the area to be surveyed in carrying

The 3rd section of this bill clarifies the partment's authority to enter upon private property to do surveys for projects other than just highway projects. This added language tracks the language which is contained in the Maine Revised Statutes, Ti-

)	1 2 3	tle 23, section 701, with respect to highways and authorizes the department to surveys and preliminary engineering for all transportation projects.
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