

# MAINE STATE LEGISLATURE

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THIRD SPECIAL SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2659

S.P. 1014

In Senate, September 15, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on September 1, 1988. Referred to the Committee on State and Local Government and 1,600 ordered printed pursuant to Joint Rule 14.

JOY J. O'BRIEN, Secretary of the Senate  
Presented by Senator TUTTLE of York.

Cosponsored by Representative MURPHY of Berwick,  
Representative RIDLEY of Shapleigh, Representative CARROLL of Gray.

STATE OF MAINE

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

1           AN ACT to Permit the State of Maine to  
2           Exercise the Right of Eminent Domain over  
3           Certain Lands Located within the Town of  
4                           Lebanon.  
5

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

8           Sec. 1. Findings; public need. The Legislature  
9           finds that there exists a public need for the

protection, control and management of valuable wildlife habitat in the area generally referred to as the "Hebo-Hybo landfill" in the Town of Lebanon, and that this public need requires the acquisition of that land for the purpose of establishing a wildlife management area.

Sec. 2. Right of eminent domain. The Commissioner of Inland Fisheries and Wildlife is expressly authorized, pursuant to the Maine Revised Statutes, Title 12, section 7652, to take by eminent domain the land known as the Hebo-Hybo landfill in the Town of Lebanon, or a portion of that land, and all materials in and upon the land or any rights necessary for the construction, operation and maintenance of a wildlife management area. The commissioner shall cause the land to be surveyed, located and described, and a plan of the land shall be filed and recorded in the registry of deeds where the land is located. The land taken and held by the commissioner shall be acquired for and on behalf of the State for the public purpose stated in section 1.

**Sec. 3. Compensation to landowners.** The owners of the real or personal property shall be entitled to damages equal to the reasonable value of the property taken by the commissioner as provided in the Maine Revised Statutes, Title 12, section 7652, subsection 2. In the event of a disagreement over the value, the reasonable value shall be determined by the York County Commissioners upon the written application of any interested party. If any party in interest is aggrieved by the decision of the county commissioners, an appeal may be made to the York County Superior Court in accordance with the Maine Revised Statutes, Title 12, section 7652, subsection 2.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

INLAND FISHERIES AND  
WILDLIFE, DEPARTMENT OF

1 All Other

\$25,000

2 Provides funds to  
3 purchase a portion of  
4 the Hebo-Hybo landfill  
5 in the Town of  
6 Lebanon, based on the  
7 estimated reasonable  
8 value of its current  
9 use and accounting for  
10 inflation, for the  
11 establishment of a  
12 wildlife management  
13 area pursuant to the  
14 Maine Revised  
15 Statutes, Title 12,  
16 section 7652.

17 STATEMENT OF FACT

18 This bill authorizes the Commissioner of Inland  
19 Fisheries and Wildlife to take by eminent domain the  
20 land known as the Hebo-Hybo acreage, located in the  
21 Town of Lebanon, for the purpose of establishing a  
22 wildlife management area for and on behalf of the  
23 State for the protection, control and management of  
24 wildlife in that area.

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