

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1727, L.D. 2386, Bill, "An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989"

Amend the bill in section 1 in subsection 3 by striking out all of paragraph A and inserting in its place the following:

'A. To acquire real or personal property or any interest in real or personal property, including rights or easements, on either a temporary or permanent basis, by gift, purchase, transfer, lease or otherwise. The county commissioners may acquire, for the location of the jail facility, any real property within the City of Portland, including property that does not abut existing county buildings, by eminent domain under the procedures established in the Maine Revised Statutes, Title 23, sections 2051 to 2058, provided that Title 23, section 7202, does not apply to any taking of land of any railroad corporation as long as no operating track is taken. Eminent domain proceedings under this paragraph must be initiated within one year of the effective date of this subsection. The county commissioners may improve, hold, sell, with or without public bidding, assign, lease, rent or otherwise dispose of any real or personal property, or any interest in real or personal property in connection with the project;'

STATEMENT OF FACT

This amendment clarifies the scope of the eminent domain authority granted to the county commissioners of Cumberland County under the bill. This authority is limited in scope to real property that is suitable for the location of the new jail facility and located within the City of Portland. The commissioners' eminent domain authority is also limited in time by requiring any eminent domain proceeding under the bill to be initiated within one year after the bill takes effect.