

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1240

H.P. 860

House of Representatives, March 21, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.

Handwritten signature of Edwin H. Pert in cursive.

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Representative LARRIVEE of Gorham, Representative JOSEPH of Waterville and Senator BERUBE of Androscoggin.

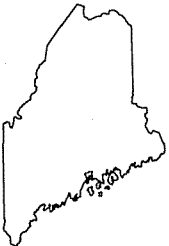
STATE OF MAINE

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

**An Act Regarding the Authority of Cumberland County to Take Land by
Eminent Domain.**

(AFTER DEADLINE)

(EMERGENCY)



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

Whereas, the authority of Cumberland County to acquire real property by eminent domain for the location of a jail facility expires on April 10, 1991; 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 1989, c. 63, §1, sub-§3, ¶A, as enacted by P&SL 1989, c. 120, §1, is amended to read:

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~~ on or before April 10, 1992. 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;

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

STATEMENT OF FACT

This bill extends the period during which Cumberland County may acquire real property by eminent domain for the location of a jail facility.