

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1841

H.P. 1270

House of Representatives, May 13, 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.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BAILEY of Farmington.
Cosponsored by Senator WEBSTER of Franklin.

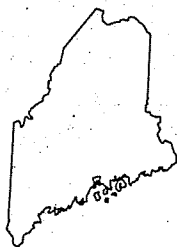
STATE OF MAINE

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

An Act to Amend the Charter of the Farmington Village Corporation.

(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, pursuant to Private and Special Law 1911, chapter
142, as amended, the Farmington Village Corporation presently
owns, operates and maintains a water works system that provides
the water supply, including public drinking water, to the Town of
Farmington; and

Whereas, the Farmington Village Corporation, in order to
comply with the requirements of the Safe Water Drinking Act of
1986 and to ensure a safe and adequate supply of water to the
Town of Farmington, must acquire and construct in the immediate
future a new gravel well to provide an underground water supply;
and

Whereas, in order to proceed with the construction of a new
gravel well, the Farmington Village Corporation must exercise its
power of eminent domain to acquire the new well site; and

Whereas, there exists uncertainty as to the extent of the
Farmington Village Corporation's powers of eminent domain and the
procedures to be used by the Farmington Village Corporation in
exercising its eminent domain powers that is resolved only by an
amendment to the Charter of the Farmington Village Corporation;
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 1911, c. 142, §2-F is enacted to read:

Sec. 2-F. Eminent domain. The Farmington Village Corporation
has the power of eminent domain to acquire real estate or
interests in real estate for any lawful use or purpose of the
corporation if the assessors determine that public exigency
requires the immediate taking of those property interests, or if
the corporation is unable to purchase those property interests
for what the assessors consider reasonable valuation or if the
title is defective. In order to exercise this power, the
assessors shall file with the clerk of the corporation and record
in the Franklin County Registry of Deeds a written condemnation
order and a plan of the property interest to be taken. The
condemnation order must include a detailed description of the
property interests to be taken, with reference to the plan, the
name or names of the owner or owners of record

2 as can be reasonably determined and the amount of damages
4 determined by the assessors to be just compensation for the
6 property interests taken. The assessors shall then serve upon
8 the owner or owners of record in hand, or by certified mail to
10 the last known address of the owner or owners, a copy of the
12 condemnation order and a check in the amount of damages awarded.
14 In the event of multiple ownership, the check may be served on
16 any one of the owners. The assessors shall also serve the
18 condemnation order upon any mortgagees of record in hand, or by
20 certified mail to the last known address of the mortgagees.
22 Title passes to the Farmington Village Corporation upon service
24 of the condemnation order and check upon the owner or owners, or
26 upon the recording of the condemnation order and the plan,
28 whichever occurs first. Any person aggrieved by the
determination of the damages awarded to the owner or owners of
the property interests taken may, within 30 days after the day
title passes to the corporation, appeal the determination of
damages to the Franklin County Superior Court pursuant to Maine
Rules of Civil Procedure, Rule 80B.

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

24

STATEMENT OF FACT

26

28 This bill amends the charter of the Farmington Village
Corporation to specifically grant the corporation powers of
eminent domain.