

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 26

S. P. 115

In Senate, January 15, 1935.

Referred to Committee on Legal Affairs and 500 copies ordered printed.
Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Burkett of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Creating a State Park Commission.

Emergency preamble. Whereas, there are many places in the state that should be developed as public parks; and

Whereas, the development of these parks would enhance the attractiveness of the state as a vacation state; and

Whereas, the federal government is ready to extend financial aid for immediate development of such projects in Maine; and

Whereas, this would result in immediate employment of at least 600 men; and

Whereas, it is necessary to gainfully employ as many men as possible to relieve local unemployment difficulties; and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI 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:

Sec. 1. State park commission created. There is hereby created a state park commission to be composed of 3 members appointed by the governor by and with the advice and consent of the council, one to be appointed for 3 years, one for 2 years, and one for 1 year. At the expiration of the term of office of any member, the reappointment or new appointment shall be

for a term of 3 years. In case of a vacancy by death, resignation or otherwise, an appointment shall be made for the unexpired term by the governor with the advice and consent of the council. The members shall elect one of their body to act as chairman. They shall receive \$5 per day and their necessary expenses while engaged on the work of the commission.

Sec. 2. Duties of commission. The commission shall investigate such possibilities for state parks as seems advisable to it, and recommend to the governor and council such action as is necessary to add to and improve state parks in the state. It shall have charge of all state parks and memorials in a supervisory and executive capacity. The expense of maintaining the parks and memorials shall be paid by the state.

Sec. 3. Acquisition of real estate. The governor, with the advice and consent of the council, may acquire on behalf of the state, either by purchase, or otherwise as hereinafter provided, any real estate within the state which they may deem necessary for any military purpose, or for parks for public purposes, and to accept deeds thereof in the name of the state.

Sec. 4. By eminent domain. The governor and council, for the purposes aforesaid, are empowered to take and appropriate any such real estate for the use of the state by causing a survey or location of the same to be prepared under their direction in duplicate, one copy of which shall be filed with the secretary of state and the other with the clerk of the superior court in the county in which the real estate is located, and by applying to said court to appoint commissioners to assess the damages to the owners. Such application shall state the names and residence, so far as known to them, of all persons claiming ownership of or interest in the property.

Sec. 5. Vesting of title. Upon the filing of such survey or location and application in said court the title to the real estate described therein shall vest in the state.

Sec. 6. Notice. The court shall order notice to be given to all persons claiming ownership of or interest in the property to appear and present their claims at a time and place to be stated in the notice, by publication in a newspaper published in the town or city in which the real estate is situated, if any, otherwise in a newspaper published within the county, and an attested copy thereof shall be given in hand to, left at the usual place of residence or business of, or sent by registered mail to the last known address of, all claimants whose names appear in the application 14 days at least before the said date of hearing.

Sec. 7. Hearing. The court shall hear the claims of all persons who shall determine all questions of title, and, in case more than one person shall be found to have an interest in the property, shall determine the several interests of each and enter a decree accordingly; and such decree shall be final except upon questions of law, and as herein provided.

Sec. 8. Assessment of damages. Upon a final determination of said questions of title the court shall appoint a commission of 3 persons to assess the damages. Said commissioners, upon reasonable notice to all persons found by the court to have an interest in the property, and hearing thereon, shall assess the damages and make a return of their assessment to the court.

Sec. 9. Jury trial. Such owners, or either of them, or the state, if dissatisfied with said award or decree as to title, shall be entitled to a trial by a jury, by filing in the office of the clerk of said court a petition for that purpose 30 days after the return of said award to the court or the filing of said decree.

Sec. 10. Decree. The damages as finally determined shall be awarded to the owner or apportioned among the several owners in accordance with their several interests as finally determined, and a decree shall be entered accordingly.

Sec. 11. Attorney-general to act. The petition shall be prosecuted or defended on the part of the state by the attorney-general under the advice of the governor and council.

Sec. 12. Payment. The governor, with the advice and consent of the council, is authorized to draw his warrant upon any money in the treasury available for military purposes or not otherwise appropriated, in payment for real estate acquired for military purposes under the provisions of this act, or, if land is so acquired for other public purposes, only upon money appropriated for such purposes.

Sec. 13. Property, how held or disposed of. All real estate acquired under the provisions of this act shall be held by the state for the purposes for which it was acquired, until otherwise ordered by the legislature; except that the governor and council are authorized to transfer to the federal government the title to any park or park system on such terms and conditions as seems best to them for the good of the state.

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.