

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 918

(Transmitted from the Revisor of Statutes Under Joint Order)

H. P. 1583

House of Representatives, February 19, 1941.

Referred to Committee on Judiciary and sent up for concurrence. 650 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Payson of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Relating to Taking of Land for Municipal Airports.

Emergency preamble. Whereas, the present method of exercising eminent domain for acquiring property for aviation purposes is defective, and

Whereas, it is vitally necessary that our aviation program be speeded up in view of the present national emergency, 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:

P. L., 1931, c. 213, § 3, amended. Section 3 of chapter 213 of the public laws of 1931, as amended by section 3 of chapter 308 of the public laws of 1939 (special session) is hereby further amended to read as follows:

‘Sec. 3. Acquisition of land. Private property needed by a city, town or county **or authorized state agencies** for an airport or landing field or for the expansion of an airport or landing field may be acquired by gift, pur-

chase, lease or other means if such city, town or county **or authorized state agency** is able to agree with the owners on the terms thereof, and otherwise such cities ~~or~~, towns ~~may take such land as a matter of public exigency in the manner prescribed for the taking of parks, squares and playgrounds and~~ **or counties or appropriate state agencies** may take such land whether it is within or without the limit of the said city, town or county as a matter of public exigency in the manner prescribed for the taking of land for highways, provided that no property, rights or easements of a public utility shall be taken without the approval of the public utilities commission after hearing and upon such notice to the public utility affected thereby as said commission may order. Provided, however, that before a city or town shall take land for an airport or landing field, or for the expansion of an airport or landing field, by eminent domain as hereinbefore provided, it shall secure the consent of the municipal officers of the town or city in which such land is located.'

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