

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT OF H. P. 1583—L. D. 918

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

Legislative Document

No. 1059

H. P. 1821

House of Representatives, March 26, 1941.

Reported by a Majority from Committee on Judiciary and laid on table to be printed under Joint Rules.

HARVEY R. PEASE, Clerk.

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:

Sec. 1. 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of chapter 213 of the public laws of 1931, as amended by section 3 of chapter 308 of the public laws of 1939, is hereby repealed and the following enacted in place thereof:

Sec. 3. Acquisition of land. Private property needed by a city, town, county or authorized state agency 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. As a matter of public exigency, a city or town may take land for use as an airport or landing field whether such land is within or without its corporate limits and may alter, extend, or discontinue such use. All proceedings including the assessment of damages and appeal therefrom shall be the same as is provided by law for laying out, altering and discontinuing town ways. No land outside the corporate limits of a city or town shall be laid out by it for such use unless the consent of the municipal officers of the town or city in which such land is located has first been obtained. As a matter of public exigency a county or authorized state agency may take land for use as an airport or landing field and may alter, extend or discontinue such use. In the case of a county or authorized state agency, all proceedings including assessment of damages, appeal and the taking of land in 2 or more counties shall be the same as provided by law for laying out, altering and discontinuing highways by the county commissioners. No property, rights or easements of a public utility shall be taken under the provisions of this act 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.'

Sec. 2. Validating clause. All proceedings begun under the provisions of 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 in which, prior to the effective date of this act, the petition required by section 110 of chapter 5 of the revised statutes as amended has been filed may continue to completion under the provisions of law for the taking of parks, squares and playgrounds as provided in said section 3 above-cited and shall be effective and valid.

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