

# MAINE STATE LEGISLATURE

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# NINETY-FOURTH LEGISLATURE

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**Legislative Document**

**No. 808**

H. P. 1510

House of Representatives, February 17, 1949.

Referred to Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Spear of South Portland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-NINE

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### **AN ACT Relating to the Right of Eminent Domain for Municipalities for Recreational Purposes.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., c. 84, § 5, amended.** The 1st sentence of section 5 of chapter 84 of the revised statutes is hereby amended to read as follows:

'Any city or town containing more than 1,000 inhabitants, upon petition in writing signed by at least 30 of its taxpaying citizens, directed to the municipal officers, describing the land to be taken as hereinafter provided, and the names of the owners thereof so far as they are known, may, at a meeting of such town, or the city government, direct such municipal officers to take suitable lands for public parks, squares, playgrounds, as a recreation center or centers as playgrounds, or for any other recreational purposes as provided in section 109-A of chapter 80, buildings for municipal purposes, or a public library building; and thereupon such officers may take such land for such purposes, but not without consent of the owner, if at the time of filing such petition with such officers, or in the office of the clerk of such town or city, such land is occupied by a dwelling-house wherein the owner or his family reside. When land is taken under the provisions of this section for a public park, the fee of such land may be taken and compensation assessed and paid accordingly. Land in any town

so taken for a public park may by authority of a majority vote at a town meeting be transferred and conveyed to the federal government so as to become a part of a national park. Nothing herein shall be held to deprive the former land owners from proceeding to restrain the use of such land for other than public park purposes.'

**Sec. 2. R. S., c. 80, § 109-A, amended.** Section 109-A of chapter 80 of the revised statutes, as enacted by chapter 204 of the public laws of 1945, is hereby amended to read as follows:

**'Sec. 109-A. Municipalities authorized to acquire, construct and operate lands and buildings for recreational purposes.** Any municipality may dedicate and set apart for use as a recreation center or centers as playgrounds, or for any other recreational purpose any land or buildings or both owned or leased by such municipality and not dedicated or devoted to another public use, and such municipality is authorized to acquire lands or buildings or both for said recreational purposes by gift, purchase, ~~or~~ lease or eminent domain under the provisions of sections 5 to 7, inclusive of chapter 84 of the revised statutes; or to construct a building or buildings for said recreational purposes on land dedicated, devoted or acquired as above provided.'