

# MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

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Legislative Document

No. 693

S. P. 247

In Senate, February, 10, 1955

Referred to the Committee on Judiciary, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Martin of Kennebec.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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**AN ACT Relating to Eminent Domain by Maine Turnpike Authority.**

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

**Sec. 1. P. & S. L., 1941, c. 69, § 5, sub-§ (d), amended.** Subsection (d) of section 5 of chapter 69 of the private and special laws of 1941 is hereby amended to read as follows:

'(d) All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the State of Maine, **and all public service corporations and districts**, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the authority upon its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions ~~or~~, other municipalities, **agencies, commissions, public service corporations and districts** may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real **or personal** property **or rights therein** which may be necessary or convenient to the effectuation of the authorized purposes of the authority including real **and personal** property **or rights therein** already devoted to public use.'

**Sec. 2. P. & S. L., 1941, c. 69, § 5, sub-§ (e), amended.** Subsection (e) of section 5 of chapter 69 of the private and special laws of 1941, as amended by chapter 69 of the private and special laws of 1947, is hereby further amended to read as follows:

'(e) If reasonable and fair conditions for the acquisition of property or rights as provided in the preceding subsection cannot be agreed upon the prop-

erty may be taken under condemnation proceedings in the same manner as provided in subsection (a) of this section, and in that event the county commissioners shall determine the reasonable and fair conditions for the acquisition of property or rights by the authority. **In the case of any property or facilities legally located within, under or upon any public street or way by franchise, permit or legislative authority, said reasonable and fair conditions for acquisition or relocation shall include the payment by the authority of either the cost of said property or facilities less depreciation or the reasonable cost of relocating property or facilities exclusive of improvements made or to be made in such relocation, whichever is the lesser. Said payment shall include payment of such cost for any such property or facilities acquired or the cost of any such relocations made at the request of and for the benefit of said authority in any section of the turnpike under construction and not open to public use prior to May 1, 1955, except where said authority has obtained title thereto by purchase or specific conveyance.** The county commissioners of the county wherein such property or land is located shall constitute a board which shall on petition of the authority or interested parties meet and ascertain and determine the reasonable and fair conditions for the acquisition, make a correct return of their doings, signed by them, accompanied by an accurate plan of the land or situation involved. The county commissioners shall give reasonable notice to interested parties of the time and place of their meeting and afford interested parties an opportunity to be heard. Their return shall be filed with the clerk of the county commissioners and remain in the custody of their clerk for inspection. Any interested party aggrieved by their determination of reasonable and fair conditions may appeal from their determination to the superior court of the county at the next regular term of said court following the date of filing their return with their said clerk. If no such appeal is made, the proceedings shall be closed, and become effectual. If an appeal be taken at the time and in the manner provided herein, the court shall determine the reasonable and fair conditions for the acquisition and make its decree therefor. The appellant shall file notice of his appeal with the county commissioners within the time above limited, and at the first term of court shall file a complaint setting forth substantially the facts, upon which the case shall be heard by the court. From the action of the court or on exceptions, an appeal may be taken by any party to the supreme judicial court.'