

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

3. Receipt issued; inspection of sample ballots in primary and general elections. The clerk shall immediately send the Secretary of State a receipt for the ballots the clerk receives. Upon receipt of a package or box containing candidate ballots for a special, primary or general election, the clerk shall, in the presence of one or more witnesses, open the sealed envelope containing sample ballots described in subsection 2-A affixed to that package or box. The clerk shall immediately notify the Secretary of State if a sample ballot differs materially from the appropriate specimen ballot, described in section 603.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect September 30, 1989.

Effective September 30, 1989.

CHAPTER 603

H.P. 1312 - L.D. 1815

An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Land for Maine's Future program was established by the Legislature to carry out the mandate overwhelmingly endorsed by Maine's citizens in approving the \$35,000,000 bond issue providing for acquisition of public lands for outdoor recreation and wildlife and natural resource protection; and

Whereas, by emergency enactment of the Legislature, Public Law 1989, chapter 485, certain requirements were imposed upon the Land for Maine's Future program in order to make it more responsive to the needs of landowners and other members of the public; and

Whereas, although it was not the intention of the Legislature, adherence to certain technical elements of Public Law 1989, chapter 485, has made it impossible for the Land for Maine's Future program to carry out its legal mandate; and

Whereas, for purposes of clarifying the intention of the Legislature this Act must be made effective immediately in order to enable the Land for Maine's Future program to carry out its mandate, as enacted overwhelmingly by the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning 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. 5 MRSA §6206-A, as enacted by PL 1989, c. 485, §1, is repealed and the following enacted in its place:

§6206-A. Nominations

Prior to taking an action to designate land for negotiation for acquisition, the board shall send by certified mail or otherwise deliver a notice of this intention to the owner or owners of land within the area proposed by the board for acquisition, as the identity and address of such owner or owners is shown on the tax maps or other tax records of the municipality in which the land is located. In the event that the land is located within the unorganized territory, such notice shall be sent to the owner or owners as shown on the tax maps or other tax records of the State Tax Assessor. After the completion of negotiations the board shall also publish a notice of its intent to designate land for acquisition in a newspaper or newspapers of general circulation which identifies the land proposed by the board for acquisition and which notifies the residents of the area that the board will accept public comments on the proposed acquisition.

Sec. 2. 5 MRSA §6207-A, as enacted by PL 1989, c. 485, §2, is repealed and the following enacted in its place:

§6207-A. Use of eminent domain

The board may expend funds to acquire an interest in land obtained by the use of eminent domain only if the expenditure or acquisition has been approved by the Legislature or is with the consent of the owner or owners of such land, as the identity and address of such owner or owners is shown on the tax maps or other tax records of the municipality in which such land is located. In the event that the land is located within the unorganized territory, for purposes of this section the identity of the owner or owners shall be as shown on the tax maps or other tax records of the State Tax Assessor.

Sec. 3. 5 MRSA §6208, sub-§2, as enacted by PL 1987, c. 506, §§1 and 4, is repealed and the following enacted in its place:

2. Transactions. Any acquisition by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, shall be subject to the approval of the municipality in which the land is located. Such approval may be obtained either from the elected municipal officials or, in the event that such officials do not approve, by vote of the town meeting or by referendum of the electorate. In the event that the land involved is located within the unorganized territory, this requirement shall not apply.

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

Effective August 23, 1989.
