

## CHAPTER 611

### CONDEMNATION

#### §16101. Authority for condemnation

**1. Conditions.** A school administrative unit may condemn land for the construction or enlargement of school buildings and playgrounds when:

- A. The owner of the property refuses to sell; [PL 1981, c. 693, §§5, 8 (NEW).]
- B. The parties are unable to agree on a price within 60 days of the first offer; or [PL 1981, c. 693, §§5, 8 (NEW).]
- C. The owner of the property resides outside the State and has no authorized agent or attorney within the State. [PL 1981, c. 693, §§5, 8 (NEW).]  
[PL 1981, c. 693, §§5, 8 (NEW).]

**2. School administrative units.** The following school administrative units may condemn land for school construction:

- A. Municipalities; [PL 1981, c. 693, §§5, 8 (NEW).]
- B. School administrative districts or regional school units; and [PL 2017, c. 475, Pt. C, §4 (AMD).]
- C. Community school districts. [PL 1981, c. 693, §§5, 8 (NEW).]  
[PL 2017, c. 475, Pt. C, §4 (AMD).]

**3. Restrictions.** A school administrative unit may not condemn lots exceeding 25 acres for one project.  
[PL 1981, c. 693, §§5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2017, c. 475, Pt. C, §4 (AMD).

#### §16102. Procedures

**1. Authority to condemn.** When the location of a school lot has been legally determined by a school administrative unit, the land may be condemned:

- A. In a municipality by the municipal officer; [PL 1981, c. 693, §§5, 8 (NEW).]
- B. In a school administrative district or a regional school unit by a school board; and [PL 2017, c. 475, Pt. C, §5 (AMD).]
- C. In a community school district by the district board of trustees. [PL 1981, c. 693, §§5, 8 (NEW).]  
[PL 2017, c. 475, Pt. C, §5 (AMD).]

**2. Appraisal.** Damages for condemnation shall be determined:

- A. As provided for laying out town ways for municipalities; or [PL 1981, c. 693, §§5, 8 (NEW).]
- B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for school administrative districts, regional school units and community school districts, except that notice need not be given to the Department of Transportation. [PL 2017, c. 475, Pt. C, §6 (AMD).]  
[PL 2017, c. 475, Pt. C, §6 (AMD).]

**3. Payment of damages.** The school board may take lots for school construction after payment of these damages. If the owner of the condemned property resides outside the State the damages shall be deposited in the municipal treasury for municipalities and in the county treasury for other school administrative units.

[PL 1981, c. 693, §§5, 8 (NEW).]

**4. Description.** The school board shall cause a plan and description of the lots, as they have laid them out, to be recorded in the registry of deeds where the land lies, within 30 days of payment or deposit of damages.

[PL 1981, c. 693, §§5, 8 (NEW).]

**5. Notice.** The school board shall serve on the owner a certified copy of the vote directing the condemnation. This notice shall be served according to the Maine Rules of Civil Procedure.

[PL 1981, c. 693, §§5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2017, c. 475, Pt. C, §§5, 6 (AMD).

#### §16103. Reversion

(REPEALED)

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 422, §24 (RP).

#### §16104. Appeals

If the owner is aggrieved at the damages awarded that owner under this chapter, the owner may appeal to the Superior Court of the county in which the land or any part of it lies. [RR 2019, c. 2, Pt. B, §25 (COR).]

**1. Procedure.** The owner shall file a complaint in the court and serve the school administrative unit with a copy within 90 days of the date of recording of the description of the lot in the registry of deeds. The complaint shall set forth substantially the facts, but shall not state the amount of the damages previously awarded to the owner.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**2. Determination of damages.** The damages may be determined in the Superior Court by a committee of reference if the parties so agree, or by a jury verdict.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**3. Costs.** If the damages are increased, the school administrative unit shall pay the damages and costs; otherwise, the costs shall be paid by the appellant.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**4. Committee of reference compensation.** A committee of reference shall be allowed a reasonable compensation for its services. This compensation shall be fixed by the court upon the presentation of its report and paid from the county treasury upon the certificate of the clerk of courts.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

**5. Further appeal.** An appeal may be taken by a party from the judgment of the court to the Supreme Judicial Court.

[PL 1981, c. 693, §§ 5, 8 (NEW).]

#### SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §102 (AMD). RR 2019, c. 2, Pt. B, §25 (COR).

#### §16105. School lots; erroneous description

**1. Reappraisal.** If a school administrative unit has designated, located and described a lot upon which to construct or enlarge a school and by mistake or omission has failed to comply with the law whereby the location has been rendered invalid, 3 legal voters and taxpayers of that unit may apply in writing to the school board and have the lot, so designated or described, reappraised by them.

[PL 1981, c. 693, §§5, 8 (NEW).]

**2. Notice.** The school board to whom an application has been made shall give not less than 7 nor more than 20 days' notice to the municipal clerks and to the person owning or having charge of the real estate. The notice shall contain the time and place for the hearing. After examination and hearing of all interested, the school board shall appraise and affix a fair value to the lot as set out, exclusive of improvements made by the school administrative unit. As soon as practicable, the school board shall notify the municipal clerks and the person owning or having charge of the real estate of the appraisal.

[PL 1981, c. 693, §§5, 8 (NEW).]

**3. Assessment and collection.** The sum fixed as the value of the lot shall be assessed, collected and paid over as other school money.

[PL 1981, c. 693, §§5, 8 (NEW).]

**4. Tender.** A sum which has been tendered and is in the hands or under the control of the persons owning or having charge of the land shall be allowed in payment of the appraisal.

[PL 1981, c. 693, §§5, 8 (NEW).]

**5. Appeal by either party.** The school board or the person owning or having charge of the land reappraised may appeal within 10 days if they are dissatisfied with the reappraisal.

A. The claim for appeal shall be submitted to the county commissioners of the county in which the land lies, and shall include a copy of the proceedings. [PL 1981, c. 693, §§5, 8 (NEW).]

B. The determination of the appeal shall be by a majority of the commissioners who are not residents of the school administrative unit. [PL 1981, c. 693, §§5, 8 (NEW).]

C. The determination may be appealed by an aggrieved party to the Superior Court as provided under section 16104. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

**6. Improvements inure to units.** If a school administrative unit has erected or moved a building on or improved a lot, the improvement shall inure to the benefit of the school administrative unit. The building or improvements may be as completely occupied and controlled by the school administrative unit as it would have been if the location had been in strict conformity to law.

[PL 1981, c. 693, §§5, 8 (NEW).]

**7. Tax not affected.** The legality of a tax assessed to build, repair or remove a school building and to pay for a lot shall not be affected by a mistake or error in designation or location of a lot.

[PL 1981, c. 693, §§5, 8 (NEW).]

## SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

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