

**§3305. Taking of land**

The following provisions apply to taking land for school purposes in the unorganized territory. [PL 1981, c. 693, §§ 5, 8 (NEW).]

**1. Taking.** The commissioner may designate, lay out and take a schoolhouse lot not to exceed 3 acres, after 30 days written notice to the owner, if:

A. The owner refuses to sell; [PL 1981, c. 693, §§ 5, 8 (NEW).]

B. The commissioner determines the price is unreasonable; or [PL 1981, c. 693, §§ 5, 8 (NEW).]

C. The owner resides outside the State and has no authorized agent or attorney in the State. [PL 1981, c. 693, §§ 5, 8 (NEW).]  
[PL 1981, c. 693, §§ 5, 8 (NEW).]

**2. Appraisal and payment.** Prior to a taking, the commissioner shall appraise the damages and pay or tender the damages to the owner. If the owner does not reside in the State, the commissioner shall deposit the damages with the Treasurer of State for the owner's use.  
[PL 1981, c. 693, §§ 5, 8 (NEW).]

**3. Reversion to owner.** If the State does not erect a school building on the lot within 3 years from the date of taking, the lot shall revert to the owner, the owner's heirs or assigns.  
[PL 1981, c. 693, §§ 5, 8 (NEW).]

**4. Enlargement or extension of lot.** The commissioner may extend or enlarge a schoolhouse lot by purchase or otherwise, on the terms and conditions and in the manner the commissioner determines proper, or by the exercise of eminent domain or property rights. Using eminent domain, the commissioner may not take more than 25 acres for one project. In using eminent domain, the commissioner is governed by Title 35-A, chapter 65. Land taken may not be within 50 feet of a dwelling.  
[PL 1993, c. 494, §2 (AMD).]

**5. Fencing.** When a schoolhouse lot or playground requires fencing, the commissioner shall fence it.  
[PL 1981, c. 693, §§ 5, 8 (NEW).]

**6. Appeals.** If the owner is aggrieved at the location of the lot or the damages awarded, that owner may apply to the State Tax Assessor within 3 months. The State Tax Assessor may change the location and assess the damages. If the damages are increased or the location changed, the State shall pay the damages and costs, otherwise the costs shall be paid by the applicant.  
[PL 1983, c. 806, §29 (AMD).]

**SECTION HISTORY**

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 806, §29 (AMD). PL 1993, c. 494, §2 (AMD).

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