

**§1903. Procedure in exercise of right of eminent domain**

The right of eminent domain granted in section 1902 may only be exercised after complying with the following procedures. [PL 2003, c. 228, §1 (NEW).]

**1. Notice to owner.** The jail authority shall provide notice to the owner of property subject to seizure as follows.

A. The owner or owners of record shall be:

- (1) Notified that the directors are exercising the right of eminent domain;
- (2) Provided with a description and scale map of the land or easement to be taken;
- (3) Presented with the final amount offered for the land or easement to be taken, based on the fair market value as estimated by the jail authority; and
- (4) Notified of the time and place of the hearing under subsection 4. [PL 2003, c. 228, §1 (NEW).]

B. Notice may be made:

- (1) By personal service in hand by an officer duly qualified to serve civil process in this State; or
- (2) By certified mail, return receipt requested, to the last known address of the owner or owners. [PL 2003, c. 228, §1 (NEW).]

C. If the owner or owners are not known or if the owner or owners can not be notified by personal service or certified mail, notice may be given by publication in the same manner under subsection 4. [PL 2003, c. 228, §1 (NEW).]  
[PL 2003, c. 228, §1 (NEW).]

**2. Notice to tenant.** Notice under subsection 1 must be given to any tenants in the same manner as for the owner of the property.  
[PL 2003, c. 228, §1 (NEW).]

**3. Notice to the affected municipality.** Notice under subsection 1 must be given to the municipality in which the property to be acquired is located in the same manner as for the owner of the property and must be addressed to the municipal officers.  
[PL 2003, c. 228, §1 (NEW).]

**4. Hearing.** The directors shall hold a public hearing on the advisability of the proposed exercise of the right of eminent domain. Notice of the hearing must be made by publication in a newspaper of general circulation in the area of the taking and must be given once a week for 2 successive weeks, the last publication to be at least 2 weeks prior to the time appointed in the hearing. The hearing notice must include:

A. The time and place of the hearing; [PL 2003, c. 228, §1 (NEW).]

B. A description of the land or easement proposed to be taken; and [PL 2003, c. 228, §1 (NEW).]

C. The name of the owners, if known. [PL 2003, c. 228, §1 (NEW).]  
[PL 2003, c. 228, §1 (NEW).]

**SECTION HISTORY**

PL 2003, c. 228, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.