

MAINE STATE LEGISLATURE

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(Filing No. H-554)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 490, L.D. 609, Bill,
"AN ACT to Transfer the Eminent Domain Power of the Penobscot
Indian Housing Authority to the Tribal Governor and Council
and to Require Referendum Approval of any action Relating
to Eminent Domain."

Amend the Bill by inserting before the last sentence
of that part designated "§4736-A." the following:
'The tribal governor and council shall exercise the power
of eminent domain in the manner provided in Title 30,
section 4807, but references in section 4807 to an authority
shall mean the tribal governor and council, and references
to an urban renewal project and a renewal project area
and the like shall be inapplicable.'

Statement of Fact

An early Maine Supreme Court case held that eminent domain
enactments should designate the means to be pursued for
obtaining compensation for the real property. The reference
in this amendment to Title 30, section 4807, specifies
the court procedures to be used for determining the value
of real property when the owner and an authority have not
been able to agree about what the value should be.

Reported by the Committee on Human Resources.

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the House.
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