

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

Legislative Document

No. 1746

S.P. 651

In Senate, June 12, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Referred to the Committee on State and Local Government and ordered printed. Sent down forthwith for concurrence. In House, June 12, 1989, referred to the Committee on State and Local Government and ordered printed in concurrence.

Handwritten signature of Joy J. O'Brien in cursive.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland.  
Cosponsored by Representative LORD of Waterboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Preserve the Integrity of the Land for Maine's Future Program.

(After Deadline)



1 Be it enacted by the People of the State of Maine as follows:

3 5 MRSAs §§6210 to 1612 are enacted to read:

5 §6210. Procedure

7 The board shall use the following procedures in its  
9 considerations of land for acquisitions.

11 1. Notice of nomination. Within 21 days of receipt of any  
13 nomination of land for potential acquisition, the board shall  
15 provide notice of that nomination by certified mail to the owner  
17 of the land and to the planning board of any municipality in  
19 which the land is located.

21 2. Comment period. The board shall allow a 30-day period  
23 to receive written comments from the date of notification under  
25 subsection 1.

27 3. Notification of intent. Within 60 days of the close of  
29 the comment period under subsection 2, the board must notify the  
31 owner and any planning board notified under subsection 1 whether  
33 or not the board intends to consider the land for acquisition.

35 4. Public hearing. If notice of intent to consider the  
37 land for acquisition is made under subsection 3, the board shall  
39 hold a public hearing if one is requested by:

41 A. The owner of the land;

43 B. The planning board; or

45 C. A resident of any municipality in which the land is  
47 located.

49 Notice of the hearing must be made 14 days prior to the hearing  
51 by certified mail to the landowner and the planning board and by  
53 publication in a newspaper of general circulation in the area in  
55 which the land is located.

57 5. Reconsideration. If land about which notice of intent  
59 not to consider was given under subsection 3, is subsequently  
61 nominated again, the board shall follow all the procedures set  
63 out in this section as if the land had never been nominated.

65 §6211. Eminent domain

67 The board may take land by eminent domain according to this  
69 section.

71 1. Exigent circumstances. If the landowner is unwilling to  
73 sell, the board may take by eminent domain, subject to this

1 section, only if the taking is based on exigent circumstances  
2 involving the public and not on any general policy of the board.

3  
4 2. Local hearing; legislative approval. Before the board  
5 may take any land by eminent domain:

6  
7 A. Notice by certified mail must be given to the landowner  
8 and any planning board of a municipality in which the land  
9 is located;

10  
11 B. The board must hold a public hearing, notice of which  
12 has been published in a newspaper of general circulation in  
13 the area in which the land is located; and

14  
15 C. The taking must be approved by the Legislature.

16  
17 3. Compensation. If land is to be taken by eminent domain,  
18 subject to this section, the landowner must be compensated in an  
19 amount equal to the appraised value. Appraised value, as defined  
20 by section 6201, subsection 1, shall be determined by taking the  
21 average of 2 appraisals made by an appraiser selected by the  
22 landowner and an appraiser selected by the board. The board  
23 shall pay any cost associated with all of the appraisals.

24  
25 §6212. Data sharing

26  
27 If the board transfers to any local, state or federal agency  
28 any information acquired by the board under this chapter  
29 concerning any land, the board shall, upon transfer, notify the  
30 landowner of the transfer by certified mail.

31  
32  
33 **STATEMENT OF FACT**

34  
35 The purpose of this bill is to provide for detailed notice  
36 and hearing procedures for the Land for Maine's Future Board.  
37 The bill also provides procedures to govern taking by eminent  
domain by the board.