

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST SPECIAL SESSION - 1989

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Legislative Document

No. 1815

H.P. 1312

House of Representatives, August 22, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

Cosponsored by Representative MCGOWAN of Canaan.

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STATE OF MAINE

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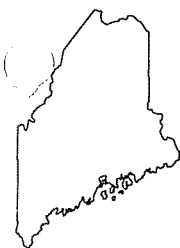
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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**An Act to Make the Land for Maine's Future Program Effective and Publicly Accountable.**

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(EMERGENCY)



2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6           Whereas, the Land for Maine's Future program was established  
by the Legislature to carry out the mandate overwhelmingly  
endorsed by Maine's citizens in approving the \$35,000,000 bond  
8 issue providing for acquisition of public lands for outdoor  
recreation and wildlife and natural resource protection; and

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12           Whereas, by emergency enactment of the Legislature, Public  
Law 1989, chapter 485, certain requirements were imposed upon the  
Land for Maine's Future program in order to make it more  
14 responsive to the needs of landowners and other members of the  
public; and

16  
18           Whereas, although it was not the intention of the  
Legislature, adherence to certain technical elements of Public  
Law 1989, chapter 485, has made it impossible for the Land for  
20 Maine's Future program to carry out its legal mandate; and

22           Whereas, for purposes of clarifying the intention of the  
Legislature this Act must be made effective immediately in order  
24 to enable the Land for Maine's Future program to carry out its  
mandate, as enacted overwhelmingly by the citizens of Maine; and

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28           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
30 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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

34           **Sec. 1. 5 MRSA §6206-A**, as enacted by PL 1989, c. 485, §1, is  
36 repealed and the following enacted in its place:

38           **§6206-A. Nominations**

40           Prior to taking an action to designate land for negotiation  
42 for acquisition, the board shall send by certified mail or  
otherwise deliver a notice of this intention to the owner or  
44 owners of land within the area proposed by the board for  
acquisition, as the identity and address of such owner or owners  
46 is shown on the tax maps or other tax records of the municipality  
in which the land is located. In the event that the land is  
48 located within the unorganized territory, such notice shall be  
sent to the owner or owners as shown on the tax maps or other tax  
50 records of the State Tax Assessor. After the completion of  
initial negotiations the board shall also publish a notice of its  
52 intent to designate land for acquisition in a newspaper or  
newspapers of general circulation which identifies the land

2 proposed by the board for acquisition and which notifies the  
3 residents of the area that the board will accept public comments  
4 on the proposed acquisition.

5 **Sec. 2. 5 MRSA §6207-A**, as enacted by PL 1989, c. 485, §2, is  
6 repealed and the following enacted in its place:

7 **§6207-A. Use of eminent domain**

8 The board may expend funds to acquire an interest in land  
9 obtained by the use of eminent domain only if the expenditure or  
10 acquisition has been approved by the Legislature or is with the  
11 consent of the owner or owners of such land, as the identity and  
12 address of such owner or owners is shown on the tax maps or other  
13 tax records of the municipality in which such land is located.  
14 In the event that the land is located within the unorganized  
15 territory, for purposes of this section the identity of the owner  
16 or owners shall be as shown on the tax maps or other tax records  
17 of the State Tax Assessor.

18 **Sec. 3. 5 MRSA §6208, sub-§2**, as enacted by PL 1987, c. 506,  
19 §§1 and 4, is repealed and the following enacted in its place:

20 **2. Transactions.** Any acquisition by eminent domain funded  
21 by the board, when the land exceeds either 50 acres or \$100,000  
22 in assessed value, shall be subject to the approval of the  
23 municipality in which the land is located. Such approval may be  
24 obtained either from the elected municipal officials or, in the  
25 event that such officials do not approve, by vote of the town  
26 meeting or by referendum of the electorate. In the event that  
27 the land involved is located within the unorganized territory,  
28 this requirement shall not apply.

29 **Emergency clause.** In view of the emergency cited in the  
30 preamble, this Act shall take effect when approved.

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38 **STATEMENT OF FACT**

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41 This bill modifies recently enacted changes to clarify the  
42 procedures to be used by the Land for Maine's Future Board when  
43 eminent domain powers are used, to allow the board to give notice  
44 to affected landowners and the public while continuing to operate  
45 the program. It also amends existing law concerning municipal  
46 ratification of eminent domain transactions.