

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 953

S.P. 351

Received by the Secretary, March 6, 1991

Referred to the Committee on State and Local Government and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRAUN of Knox

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Concerning Transfer of Development Rights.



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

4 Sec. 1. 30-A MRSA §3101, sub-3 is enacted to read:

6 3. Development rights. A municipality may not exercise the
8 eminent domain powers granted under this chapter solely for the
purpose of acquiring only the development rights to private
property.

10 Sec. 2. 35-A MRSA §6501-A is enacted to read:

12 §6501-A. Prohibition on taking for development rights

14 The use of eminent domain powers solely for the purpose of
16 acquiring development rights to any property is prohibited.

18 Sec. 3. 36 MRSA §1111, as enacted by PL 1975, c. 726, §2, is
amended to read:

20 §1111. Scenic easements and development rights

22 Any municipality may, through donation or the expenditure of
24 public funds, accept or acquire scenic easements or development
26 rights for preserving property for the preservation of
28 agricultural farmland or open space land. The term of such these
30 scenic easements or development rights must be for a period of at
least 10 years. A municipality is prohibited from using its
eminent domain powers under Title 30-A, chapter 151, solely for
the purpose of acquiring the development rights to private
property.

32 STATEMENT OF FACT

34 This bill prevents municipalities and public utilities from
36 using powers of eminent domain solely for the purpose of
acquiring the development rights to private property.