

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1203

S.P. 417

In Senate, March 10, 2005

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### An Act To Amend the Laws Concerning Eminent Domain

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Reference to the Committee on Transportation suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator SCHNEIDER of Penobscot.  
Cosponsored by Representative CROSBY of Topsham and  
Senators: DAMON of Hancock, DIAMOND of Cumberland, DOW of Lincoln, SAVAGE of  
Knox, Representatives: MARLEY of Portland, MAZUREK of Rockland, PARADIS of  
Frenchville.

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

4 **Sec. 1. 23 MRSA §153-B, sub-§2-A** is enacted to read:

6 2-A. Acquisition price. When the Department of  
8 Transportation acquires property by eminent domain, the  
10 department shall pay no less than 110% of the appraised value of  
12 the property as determined in accordance with subsection 2.

14 **Sec. 2. Commissioner of Transportation and Commissioner of**  
16 **Economic and Community Development to convene working group.** The  
18 Commissioner of Transportation and the Commissioner of Economic  
20 and Community Development shall convene a working group to review  
22 Maine's eminent domain laws and established procedures for  
24 appraising and acquiring property by eminent domain. The  
26 working group shall develop recommendations for assisting  
28 businesses displaced when the State acquires property by eminent  
domain. The working group shall consider business promotional  
assistance, including advertising and relocation notifications,  
that may reasonably be provided or coordinated by the Department  
of Economic and Community Development. No later than January 15,  
2006, the commissioners shall report to the Joint Standing  
Committee on Transportation and the Joint Standing Committee on  
Business, Research and Economic Development with a summary of the  
working group's discussions and recommendations. The  
commissioners shall submit any legislation necessary to  
implement the recommendations to the Second Regular Session of  
the 122nd Legislature.

30 **SUMMARY**

32 This bill requires the Department of Transportation to pay  
34 110% of the appraised value of property taken by eminent domain.  
36 It directs the Commissioner of Transportation and the  
38 Commissioner of Economic and Community Development to convene a  
working group to develop recommendations to assist businesses  
that are displaced due to eminent domain acquisitions.