MAINE STATE LEGISLATURE

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14	STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE	
16	SECOND REGULAR SESSION	
18	COMMITTEE AMENDMENT "H to H.P. 1310, L.D. 1870, Bill, "	'An
20	Act To Clarify Laws Governing Eminent Domain"	
22	Amend the bill by striking out all of section 1 a inserting in its place the following:	ınd
24	1900 1 1 MDCA 8916 in sucretal to made	
26	'Sec. 1. 1 MRSA §816 is enacted to read:	
	§816. Limitations on eminent domain authority	
28	1. Purposes. Except as provided in subsections 2 and 3 a	nd
30	notwithstanding any other provision of law, the State,	a
32	political subdivision of the State and any other entity wi eminent domain authority may not condemn land used f	
-	agriculture, fishing or forestry or land improved wi	th
34	residential homes, commercial or industrial buildings or oth structures:	er
36	structures:	
38	A. For the purposes of private retail, office, commercia industrial or residential development;	1,
40	B. Primarily for the enhancement of tax revenue; or	
42	C. For transfer to an individual or a for-profit busine entity.	<u>ss</u>
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COMMITTEE AMENDMENT

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- 2. Blight exception. Subsection 1 does not apply to the use of eminent domain by any municipality, housing authority or other public entity based upon a finding of blight in an area covered by any redevelopment plan or urban renewal plan pursuant to Title 30-A, chapter 201, 203 or 205, but just compensation, in all cases, must continue to be made to the owner.
- 3. Utilities exception. Subsection 1 does not limit the exercise of eminent domain by or for the benefit of public utilities or other entities engaged in the generation, transmission or distribution of telephone, gas, electric, water, sewer or other utility products or services.
- 4. Governmental purposes not affected. Nothing in this section may be interpreted to prohibit a municipal or county governing body from exercising the power of eminent domain for purposes not otherwise prohibited by subsection 1.
 - Sec. 2. Retroactivity. This Act applies retroactively to June 23, 2005.

SUMMARY

This amendment makes the following changes to the bill.

1. This amendment limits the new restrictions on the use of eminent domain authority to land used for agriculture, fishing or forestry or land improved with residential homes, commercial buildings or other structures. The restrictions, therefore, do not apply to vacant or open land that is not in use.

2. This amendment revises the restriction on transferring property taken through eminent domain authority to prohibit transfers to individuals and to for-profit business entities. The bill prohibits transfers to nongovernmental entities, public-private partnerships and corporations as well. This amendment eliminates those as prohibited transferees to recognize that many entities that provide public benefits to the public, such as libraries and fire protection services, may be organized in these forms.

3. This amendment expands the blight exception to the restrictions to include property taken under housing authority programs.

4. This amendment revises the bill's provisions relating to governmental purposes that are not affected by the eminent domain restrictions. Instead of listing permitted purposes as proposed by the bill, this amendment provides that the new provisions do

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- not prohibit municipalities and counties from exercising eminent domain authority for any purposes other than private retail, office, commercial, industrial and residential development; tax revenue enhancement; and transfers to impermissible transferees.
- This amendment makes the changes take effect retroactively to the date the United States Supreme Court issued the <u>Kelo v.</u>

 <u>City of New London</u> opinion, which is June 23, 2005.

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