

MAINE STATE LEGISLATURE

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L.D. 1870

DATE: 4/4/06

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1310, L.D. 1870, Bill, "An Act To Clarify Laws Governing Eminent Domain"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 1 MRSA §816 is enacted to read:

§816. Limitations on eminent domain authority

1. Purposes. Except as provided in subsections 2 and 3 and notwithstanding any other provision of law, the State, a political subdivision of the State and any other entity with eminent domain authority may not condemn land used for agriculture, fishing or forestry or land improved with residential homes, commercial or industrial buildings or other structures:

A. For the purposes of private retail, office, commercial, industrial or residential development;

B. Primarily for the enhancement of tax revenue; or

C. For transfer to an individual or a for-profit business entity.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1310, L.D. 1870

2 not prohibit municipalities and counties from exercising eminent
domain authority for any purposes other than private retail,
4 office, commercial, industrial and residential development; tax
revenue enhancement; and transfers to impermissible transferees.

6 This amendment makes the changes take effect retroactively
to the date the United States Supreme Court issued the Kelo v.
8 City of New London opinion, which is June 23, 2005.

COMMITTEE AMENDMENT