

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 767

S.P. 294

In Senate, February 26, 2009

An Act To Promote Fairness and Protect Economic Development in Transportation Projects Undertaken by the State

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.
Cosponsored by Representative MAZUREK of Rockland.

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

2 **Sec. 1. 23 MRSA §153-C is enacted to read:**

3 **§153-C. Compensation for property identified in transportation planning process**

4 **1. Compensation for property.** If the Department of Transportation determines it
5 necessary to take over and hold property for the State for the purposes set forth in section
6 153-B, subsection 1, the department shall compensate the owner of property as set forth
7 in section 154, subsections 2, 3 and 4 if:

8 A. The department has submitted to the United States Army Corps of Engineers any
9 necessary permit applications and analyses indicating that certain property will be
10 necessary for the purposes set forth in section 153-B, subsection 1; and

11 B. The owner of the property agrees to sell to the department all of, or any portion
12 of, the right, title or interest in and to the property.

13 **SUMMARY**

14 This bill provides a mechanism for a property owner to sell land to the State that has
15 been identified in a transportation planning process as likely to be taken in a pending
16 eminent domain proceeding.