

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 981

S.P. 364

In Senate, March 12, 2009

**Resolve, To Establish a Study Commission To Examine the Issue of  
Eminent Domain**

(EMERGENCY)

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Reference to the Committee on Judiciary 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 DAVIS of Cumberland.  
Cosponsored by Representative TUTTLE of Sanford and  
Senator: GERZOFKY of Cumberland, Representatives: HANLEY of Gardiner, HASKELL of  
Portland, LAJOIE of Lewiston, MAGNAN of Stockton Springs, ROSEN of Bucksport,  
SYKES of Harrison, WHEELER of Kittery.

1           **Emergency preamble. Whereas,** acts and resolves of the Legislature do not  
2           become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** the Study Commission To Examine the Issue of Eminent Domain must  
4           report its findings by December 2, 2009; and

5           **Whereas,** the study must be initiated before the 90-day period expires in order that  
6           the study may be completed and a report submitted in time for submission to the next  
7           legislative session; and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9           the meaning of the Constitution of Maine and require the following legislation as  
10          immediately necessary for the preservation of the public peace, health and safety; now,  
11          therefore, be it

12          **Sec. 1. Commission established. Resolved:** That the Study Commission To  
13          Examine the Issue of Eminent Domain, referred to in this resolve as "the commission," is  
14          established; and be it further

15          **Sec. 2. Commission membership. Resolved:** That the commission consists of  
16          8 members appointed as follows:

17                 1. Two members of the Senate appointed by the President of the Senate;

18                 2. Four members of the House of Representatives appointed by the Speaker of the  
19                 House; and

20                 3. One member who is a town official and one member who is a resident of the State,  
21                 both appointed by the Governor; and be it further

22          **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate  
23          chair and the first-named House of Representatives member is the House chair of the  
24          commission; and be it further

25          **Sec. 4. Appointments; convening of commission. Resolved:** That all  
26          appointments must be made no later than 30 days following the effective date of this  
27          resolve. The appointing authorities shall notify the Executive Director of the Legislative  
28          Council once all appointments have been completed. Within 15 days after appointment  
29          of all members, the chairs shall call and convene the first meeting of the commission,  
30          which must be no later than August 1, 2009; and be it further

31          **Sec. 5. Duties. Resolved:** That the commission shall examine the right of  
32          government to take private property for the public good, commonly known as eminent  
33          domain, including when it is proper to use eminent domain powers; and be it further

34          **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide  
35          necessary staffing services to the commission; and be it further

