

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 165

S.P. 54

In Senate, January 31, 2013

An Act To Prohibit the Use of Eminent Domain in Certain Public-Private Partnerships

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator THOMAS of Somerset.
Cosponsored by Representative BOLAND of Sanford and
Senators: SAVIELLO of Franklin, WHITTEMORE of Somerset, Representatives: BENNETT
of Kennebunk, BLACK of Wilton, SIROCKI of Scarborough, STANLEY of Medway, WOOD
of Sabattus.

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

2 **Sec. 1. 1 MRSA §816, sub-§1, ¶¶B and C**, as enacted by PL 2005, c. 579, §1
3 and affected by §2, are amended to read:

4 B. Primarily for the enhancement of tax revenue; ~~or~~

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

6 **Sec. 2. 1 MRSA §816, sub-§1, ¶D** is enacted to read:

7 D. For the development, operation, management, ownership, leasing or maintenance
8 of a transportation facility proposed or authorized under Title 23, section 4251.

9 **Sec. 3. 23 MRSA §4251, sub-§7**, as enacted by PL 2009, c. 648, Pt. A, §1, is
10 amended to read:

11 **7. Exercise of powers.** ~~If the~~ The department ~~exercises~~ may not exercise its power
12 of eminent domain for the development and construction of a transportation facility
13 pursuant to this subchapter; ~~the department must retain ownership rights and interests~~
14 ~~taken~~. The State may provide maintenance, law enforcement and other services with
15 respect to a transportation facility owned by a private entity when the agreement provides
16 for reasonable reimbursement for such services.

17 **SUMMARY**

18 This bill prohibits the use of the power of eminent domain for the development,
19 operation, management, ownership, leasing or maintenance of a transportation facility as
20 a public-private partnership project.