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.

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

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~~ <u>The</u> department ~~exercises~~ <u>may not exercise</u> 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.