



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1168

S.P. 415

In Senate, March 31, 2015

An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative CRAFTS of Lisbon and
Representatives: CHACE of Durham, GOODE of Bangor, 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. 1 MRSA §816, sub-§5** is enacted to read:

10 **5. Private business entity in public-private partnership.** Notwithstanding any
11 other provision of law, a private business entity may not use eminent domain when
12 involved in a public-private partnership.

13 **Sec. 4. 23 MRSA §4251, sub-§7**, as enacted by PL 2009, c. 648, Pt. A, §1, is
14 amended to read:

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

21 **SUMMARY**

22 This bill prohibits the use of the power of eminent domain for the development,
23 operation, management, ownership, leasing or maintenance of a transportation facility as
24 a public-private partnership project. It also prohibits the use of the power of eminent
25 domain by a private business entity when the entity is involved in a public-private
26 partnership.