

## CHAPTER 579

H.P. 1310 - L.D. 1870

### An Act To Clarify Laws Governing Eminent Domain

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

Sec. 1. 1 MRSA §816 is enacted to read:

#### §816. Limitations on eminent domain authority

1. Purposes. Except as provided in subsections 2 and 3 and notwithstanding any other provision of law, the State, a political subdivision of the State and any other entity with eminent domain authority may not condemn land used for agriculture, fishing or forestry or land improved with residential homes, commercial or industrial buildings or other structures:

A. For the purposes of private retail, office, commercial, industrial or residential development;

B. Primarily for the enhancement of tax revenue; or

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

2. Blight exception. Subsection 1 does not apply to the use of eminent domain by any municipality, housing authority or other public entity based upon a finding of blight in an area covered by any redevelopment plan or urban renewal plan pursuant to Title 30-A, chapter 201, 203 or 205, but just compensation, in all cases, must continue to be made to the owner.

**3. Utilities exception.** Subsection 1 does not limit the exercise of eminent domain by or for the benefit of public utilities or other entities engaged in the generation, transmission or distribution of telephone, gas, electric, water, sewer or other utility products or services.

**4. Governmental purposes not affected.** Nothing in this section may be interpreted to prohibit a municipal or county governing body from exercising the power of eminent domain for purposes not otherwise prohibited by subsection 1.

**Sec. 2. Retroactivity.** This Act applies retroactively to June 23, 2005.