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An Act To Establish a Process for the Determination of a Reasonable Price in the Use of Eminent Domain by the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1967, sub-§2, as enacted by PL 1981, c. 595, §3, is amended to read:

2. Use of eminent domain. Whenever a reasonable price cannot be agreed upon for the purchase or lease of real property found necessary for the purposes of the authority or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown, the authority may acquire by eminent domain any such real property whether wholly or partly constructed or interest or interests therein and any land, rights, easements, franchises and other property deemed necessary or convenient for the construction or reconstruction or the efficient operation of the turnpike, its connecting tunnels, or bridges, overpasses, underpasses or interchanges, or both, in the manner provided by chapter 3, subchapter III. Title to any property taken by eminent domain shall be in the name of the authority.3, except that compensation must be determined according to the fair market value of the property or interests taken valued at the highest of:

- A. The average fair market value of the property or interests over the previous 5 years;
- B. The average fair market value of the property or interests over the previous 10 years; and
- C. The average fair market value of the property or interests over the previous number of years equal to the number of years between the previous 2 municipal property valuations for property tax purposes.

Title to any property taken by eminent domain must be in the name of the authority. The authority may not acquire by eminent domain any property or interests unless the authority publicly documents that no other site or design is consistent with public convenience and necessity. The cost of a site or design may not be considered a factor when determining whether the site or design is consistent with public convenience and necessity.

SUMMARY

This bill requires that, when taking property by eminent domain, the Maine Turnpike Authority determine the fair market value of property or interests to be one of the following, whichever yields the highest value:

1. The average fair market value of the property or interests over the previous 5 years;
2. The average fair market value of the property or interests over the previous 10 years; or
3. The average fair market value of the property or interests over the previous number of years equal to the number of years between the previous 2 municipal property valuations for property tax purposes.

HP0293, LD 386, item 1, 124th Maine State Legislature
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The bill also provides that the Maine Turnpike Authority may not acquire by eminent domain any property or interests unless the authority publicly documents that no other site or design is consistent with public convenience and necessity. The bill also provides that the Maine Turnpike Authority may not use the cost of a site or design as a factor when determining whether a site or design is consistent with public convenience and necessity.