

§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; [PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]

B. Primarily for the enhancement of tax revenue; or [PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]

C. For transfer to an individual or a for-profit business entity. [PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]
[PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]

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.
[PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]

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.
[PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]

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.
[PL 2005, c. 579, §1 (NEW); PL 2005, c. 579, §2 (AFF).]

SECTION HISTORY

PL 2005, c. 579, §1 (NEW). PL 2005, c. 579, §2 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.