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Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Study Commission To Examine the Issue of Eminent Domain must report its findings by December 2, 2009; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1 Commission established. Resolved: That the Study Commission To Examine the Issue of Eminent Domain, referred to in this resolve as "the commission," is established; and be it further

Sec. 2 Commission membership. Resolved: That the commission consists of 8 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate;
2. Four members of the House of Representatives appointed by the Speaker of the House; and
3. One member who is a town official and one member who is a resident of the State, both appointed by the Governor; and be it further

Sec. 3 Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4 Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than August 1, 2009; and be it further

Sec. 5 Duties. Resolved: That the commission shall examine the right of government to take private property for the public good, commonly known as eminent domain, including when it is proper to use eminent domain powers; and be it further

Sec. 6 Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7 Report. Resolved: That, no later than December 2, 2009, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 124th Legislature. The Joint Standing Committee on Judiciary is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature upon receipt of the report.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This resolve establishes a study commission to examine the issue of eminent domain and to ascertain when it is proper to use eminent domain. The commission must submit a report and suggested legislation to the Joint Standing Committee on the Judiciary, which has authority to submit legislation to the Second Regular Session of the 124th Legislature.