



2025

## Maine Turnpike Authority Real Property Acquisition Policy

### Goals

The Maine Turnpike Authority's (MTA) primary goals when acquiring property are to treat all landowners with respect, follow all applicable laws and regulations and make every reasonable effort to acquire property through a negotiated purchase before resorting to eminent domain.

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### Respect for Property Owners

The MTA is committed to ensuring landowners are fully informed of their rights and the steps involved in the acquisition process. We will strive to be responsive to landowner needs throughout this process.

During project development, the MTA hires state-licensed professionals to research and map the topography and boundaries of affected properties. Project designs are developed to minimize property impacts through practicable adjustments whenever possible. Furthermore, all concerns and specific requests from a property owner will be reviewed and accommodated if the MTA finds them reasonable and feasible.

Clear communication is a priority. All property owners abutting a project are informed before any survey or site visit and receive a project overview with contact information for the MTA project manager and right-of-way (ROW) staff. A subsequent contact provides affected owners with detailed project information, a preliminary plan, and a copy of this policy. MTA Right-of-Way staff will make all reasonable efforts to meet personally with every affected property owner at their convenience.

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### Types of Rights Acquired

The MTA typically acquires property rights in one of the following three categories:

1. **Fee Interest:** The MTA acquires all rights, title, and interest in a parcel.
2. **Easement:** The owner retains title to the property, but the MTA acquires the right to use all or a portion of it for a specific purpose (e.g., a slope or drainage easement).
3. **Temporary Rights:** The MTA acquires short-term rights to perform work like grading or seeding. These rights automatically expire when the project is complete.



## Negotiation

The MTA initiates negotiations by offering fair market value for the property, as determined by an independent, licensed Maine appraiser. An initial appraisal may not be required for minor acquisitions, such as temporary rights or small easements, if the ROW staff determines the value is minimal (less than \$15,000, 23 MRSA §153-B2) and both parties readily agree on a price.

Negotiations are always conducted in good faith. All counteroffers and information provided by the property owner, including independent appraisals, will receive fair consideration and a written response in a reasonable time. The MTA will continue to negotiate until the **Latest Possible Acquisition Date (LPAD)**, which is the deadline to acquire the property without jeopardizing the project schedule. Property owners are informed of the LPAD and any revisions to it. If negotiations fail, a Notice of Layout and Taking will be recorded on the LPAD.

Before using eminent domain, the ROW department must seek authorization from the MTA Board. Board approval is not required for a “**Friendly Condemnation**,” a procedural step taken with the owner's cooperation to resolve title issues. If an acquisition displaces people, businesses, or personal property, a reasonable level of relocation assistance will also be offered.

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## Eminent Domain

The MTA will only acquire property by eminent domain when a negotiated purchase cannot be reached by the **LPAD**, or as part of a “**Friendly Condemnation**” to resolve title defects. The MTA’s use of eminent domain is governed by the same state laws that apply to the Maine Department of Transportation (23 MRSA, Chapter 3). In accordance with state law, the MTA will continue to negotiate with the property owner for 60 days following a “Notice of Layout and Taking.” If no agreement is reached after 60 days, the matter is referred to the State Claims Commission.

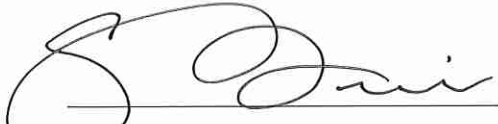
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## Advance and Early Acquisition

Advance acquisition is the purchase of property for planned projects before all engineering and environmental reviews are complete. The MTA may pursue this option to alleviate hardship for a landowner, prevent development that would increase future project costs, or to preserve a corridor for transportation goals.

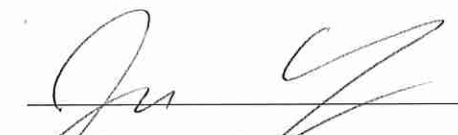


**Approved:**

  
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Andre Briere, Executive Director

10/17/25  
Date

**Approved as to Form:**

  
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Jonathan Arey, Staff Attorney

10/18/25  
Date

*Approved by MTA Board September 4<sup>th</sup>, 2025*