To the Honorable Senate and House of Representatives:

Pursuant to Part the Second, Chapter I, Section I, Article II of the Constitution of the Commonwealth, I am returning unsigned House Bill No. 4583, “An Act Limiting Use of Eminent Domain in the Town Known as the City of Amesbury.”

This bill limits Amesbury’s eminent domain power by prohibiting takings for private commercial use except in cases where the property has been abandoned, the property presents a substantial threat to public health or safety, or the property is taken with the willing and informed consent of the owner. The bill also requires that any taking be approved by two-thirds of the municipal council and approved by the mayor. It forbids the use of eminent domain power by any other agency or political subdivision of the city, or any other local entity.

I am returning this bill unsigned. I believe that, if Amesbury’s municipal council wants to create procedures and standards to govern its eminent domain power which differ significantly from those of the other 350 cities and towns in the Commonwealth, the change should be limited to action that can be taken at a local level. Instituting these policies by local ordinance would allow future municipal councils to revisit the issue if, for example, a local housing or redevelopment authority is established and needs the authority to effect a taking for
municipal purposes. Although this is a difficult decision in light of the fact that this bill was presented by initiative petition, I understand that there is significant opposition to this bill by local officials, and I do not believe that the bill should be adopted under these circumstances.

For these reasons, I return House Bill No. 4583 unsigned.

Respectfully submitted,

DEVAL L. PATRICK,
Governor