

MAINE STATE LEGISLATURE

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1008

L.D. 85

DATE: 5-15-01

(Filing No. H-462)

MINORITY JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 76, L.D. 85, Bill, "An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill requires municipalities of the State to compensate property owners for the loss of property value that is due to local regulations. The additional costs of this state mandate can not be determined at this time. Pursuant to the Mandate Preamble, the 2/3 vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 76, L.D. 85

2 The State may also incur significant additional costs to
4 reimburse property owners for reductions in property values
6 caused by state regulations. The amounts and the timing of any
8 reimbursements will depend on the outcome of suits filed in the
court system. The total additional General Fund appropriations
that will be required for expert witnesses and property owner
compensation in any particular fiscal year can not be determined
at this time.

10 The Department of the Attorney General may require
12 additional General Fund appropriations to provide legal services
14 to defend the State against any claims that may result. The
amount of the additional costs that may be incurred by the
department can not be determined at this time.

16 This bill may significantly increase the number of civil
18 suits filed in the court system. Additional General Fund
20 appropriations may be required to cover the costs associated with
22 the additional case load. The amount and timing of these
24 additional costs can not be determined at this time. The
collection of additional filing fees may also increase General
Fund revenue. These amounts also can not be determined at this
time.'

26 SUMMARY

28 This is the minority report of the Joint Standing Committee
30 on Judiciary. This amendment adds a mandate preamble and a
fiscal note to the bill.