

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

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Legislative Document

No. 1559

H. P. 1139

House of Representatives, May 19, 1965

Reported by Mr. Richardson, from Committee on Judiciary. Printed under  
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JEROME G. PLANTE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-FIVE

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**AN ACT Relating to Relocation Assistance in State Highway Projects.**

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

Whereas, inclemencies of the winter seasons require expeditious processing of highway construction in the summer months; and

Whereas, the State Highway Commission has 5 or more highway projects scheduled for construction to commence in the summer and fall months of 1965 which will require the relocation of families and businesses; for example; on a presently scheduled project there is an estimated 75 units to be displaced; and

Whereas, the following legislation is vitally necessary to prevent inequities, injuries and undue hardships on a particular class of inhabitants; 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 enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 23, §§ 65-70, additional.** Title 23 of the Revised Statutes is amended by adding 6 new sections to read as follows:

**§ 65. Displaced persons relocation assistance**

As used in sections 65 to 70, the following words and phrases shall have the following meanings:

1. **Business concern.** "Business concern" means a corporation, partnership or sole proprietorship engaged in a commercial enterprise or professional activity possessed with tangible personalty for the carrying on of the business or profession.

2. **Eligible person.** "Eligible person" means any individual, family, business concern, including the operation of a farm, and nonprofit organization to be displaced by construction of a state or state aid highway.

3. **Family.** "Family" means 2 or more persons who reside in the same quarters.

4. **Individual.** "Individual" means a person who is not a member of a family.

5. **Local public agency.** "Local public agency" means any public organization or political subdivision which has entered into an agreement with the State to act as its agent for relocation assistance purposes.

6. **Moving expense.** "Moving expense" means the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, reinstalling of personalty, not to include the cost of additions, improvements, alterations or physical change of any items of personalty.

7. **Nonprofit organization.** "Nonprofit organization" means any private entity, engaged in a business, professional or institutional activity on a nonprofit basis possessed with tangible personalty for the carrying on of the business, profession or institutional activity.

8. **Operation of a farm.** "Operation of a farm" means the utilization of realty for the production of an agricultural or horticultural commodity.

9. **Project.** "Project" means any highway construction undertaken by the State of Maine on a state or state aid highway.

10. **Relocation advisory assistance.** "Relocation advisory assistance" means the preparation, maintenance and dissemination of information for eligible persons, relative to listings of public carriers, rates, listings of properties for sale, available rental properties, public housing projects and other available replacement housing.

11. **Relocation payment.** "Relocation payment" means any payment made for costs incurred by an eligible person for their reasonable and necessary expenses for moving personal property, caused by their displacement from real property acquired by the State for a project.

#### § 66. Assistance provided

The State Highway Commission shall provide relocation advisory assistance to any eligible person displaced by its project and may cooperate with any local public agency.

#### § 67. Moving expenses

Eligible persons shall be compensated for their reasonable and necessary moving expenses within the limits of and consistent with sections 65 to 70.

**§ 68. Limits**

Relocation payments shall not exceed \$200 in the case of an individual or family or \$3,000 in the case of a business concern or nonprofit organization. If either the individual, family, business concern or organization move more than 50 miles from their point of displacement, the allowable relocation shall not exceed the cost of moving 50 miles from the point of displacement.

**§ 69. Determination by Land Damage Board**

If the State Highway Commission is unable to negotiate a relocation payment at what it deems a reasonable amount, the commission or the eligible person may apply to the Land Damage Board in writing for determination and assessment. The proceedings shall then be the same as in condemnation proceedings.

**§ 70. Rules and regulations**

The commission may adopt rules and regulations to implement sections 65 to 70 and such rules and regulations may include, among other things, provisions for payment of fixed amounts in lieu of actual expenses and for the determination of reasonable expenses.'

**Sec. 2. Appropriation.** There is appropriated from the General Fund, to be expended under the direction of the State Highway Commission, for the purpose of this Act the sum of \$34,100 for the fiscal year ending June 30, 1966 and the sum of \$47,800 for the fiscal year ending June 30, 1967. Any unexpended balance on June 30, 1966 shall not lapse, but shall carry forward into the next fiscal year as stated. All unexpended balances on June 30, 1967, shall lapse into the Unappropriated Surplus of the General Fund.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.