

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 498**

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H. P. 350

House of Representatives, February 1, 1967

Referred to Committee on Highways. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. D'Alfonso of Portland.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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### **AN ACT Relating to Relocation Assistance in Municipal Highway Projects.**

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Be it enacted by the People of the State of Maine, as follows:

**R. S., T. 23, §§ 3504-3509, additional.** Title 23 of the Revised Statutes is amended by adding 6 new sections, to be numbered 3504 to 3509, to read as follows:

**§ 3504. Displaced persons relocation assistance**

As used in section 3504 to 3509, 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 municipal 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 a municipality 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 a municipality.

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 a municipality for a project.

#### § 3505. Assistance provided

The municipal officers of any municipality shall provide relocation advisory assistance to any eligible person displaced by its project and may cooperate with any local public agency.

#### § 3506. Moving expenses

Eligible persons shall be compensated for their reasonable and necessary moving expenses within the limits of and consistent with sections 3504 to 3509.

#### § 3507. 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.

#### § 3508. Determination by Land Damage Board

If the municipal officers are unable to negotiate a relocation payment at what it deems a reasonable amount, the municipal officers 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.

#### § 3509. Rules and regulations

The municipal officers may adopt rules and regulations to implement sections 3504 to 3509 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.