

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 575

H. P. 409

House of Representatives, February 2, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mrs. Fuller of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Highway Commission Land Taking.

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

Whereas, the current highway building program involves the taking of land from large numbers of landowners; and

Whereas, many landowners have suffered and will continue to suffer unrecoverable damages resulting from highway land takings; 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:

R. S., T. 23, § 154, sub-§ 5, additional. Section 154 of Title 23 of the Revised Statutes, as amended, is further amended by adding a new subsection 5, to read as follows:

5. Compensation for damage before taking. Notwithstanding the foregoing provisions of this section, if knowledge of the intention of the commission (Highway) to take or acquire certain property shall affect the fair market value of any such property taken or remaining after such taking, the commission shall make such factor an element to be considered in determining the net damage and offering price. In the event such knowledge shall cause an owner or owners of land

taken a net loss of rental income prior to said taking, then such loss shall be recoverable by said owner or owners and shall be added by the commissioner to the net damage and offering price.

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