

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 261

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S. P. 116

In Senate, January 18, 1973

Referred to Committee on Transportation. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Greeley of Waldo.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Authorizing Department of Transportation to Make Advance Replacement Housing Allowance Payments Under the Relocation Assistance Act.**

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

**Sec. 1. R. S., T. 23, § 156, sub-§ 8, additional.** Section 156 of Title 23 of the Revised Statutes, as amended, is further amended by adding a new subsection 8 to read as follows :

**8. Withholding.** The withholding, if any, authorized pursuant to section 244-A, subsection 4.

**Sec. 2. R. S., T. 23, § 157, amended.** The 4th paragraph of section 157 of Title 23 of the Revised Statutes, as amended, is further amended by adding at the end the following new sentence :

**The judgment and certificate of judgment shall specify the withholding, if any, authorized pursuant to section 244-A, subsection 4.**

**Sec. 3. R. S., T. 23, § 244-A, sub-§ 4, additional.** Section 244-A of Title 23 of the Revised Statutes, as enacted by section 1 of chapter 333 and as amended by section 22 of chapter 593, both of the public laws of 1971, is further amended by adding a new subsection 4 to read as follows :

**4. Advance payments.** The additional payment authorized by subsection 1 may be made to the displaced person while determination of the acquisition cost of the dwelling is either unsettled or is pending before the Land Damage Board or the Superior Court. Such a payment is not authorized until and unless an agreement between the Department of Transportation and the displaced person is signed which shall authorize withholding from

any subsequent award by the Land Damage Board or judgment of the court any amount determined from the agreement to be refunded by the displacee to the department by reason of the award or judgment being in excess of the determined net damage and offering price paid pursuant to section 154. A copy of the agreement shall be filed with the Land Damage Board with the petition or within 10 days after it is signed if the petition is already filed and a copy shall be filed in any subsequent case appealed to the Superior Court with the complaint or answer or both. The Land Damage Board and court shall take judicial notice of the facts set forth in such agreement.

#### STATEMENT OF FACT

The purpose of this bill is to authorize advance payments to persons displaced from their dwellings by highway construction when such advance payments are necessary for acquisition of a replacement dwelling for the displaced person; and to authorize withholding from Land Damage Board or Superior Court Awards any amount the displaced person owes the State as refund caused by recalculation of his entitlement because of an increase in compensation awarded by the board or court.