

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-14)
110TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 19, L. D. 25, Bill, "AN ACT to Provide Relocation Assistance to Certain Persons Ineligible for Federal Benefits."

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'1 MRSA c. 24 is enacted to read:

CHAPTER 24

ALTERNATE RELOCATION ASSISTANCE

§951. Purpose

The purpose of this chapter is to establish a policy for the treatment of persons displaced as a result of public use programs, funded in whole or in part by public entities, for persons to whom no assistance is available under federal law or any other provisions of state law.

§952. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Displaced person. "Displaced person" means any individual or entity who moves from a dwelling or place of business as a result of the acquisition, in whole or in part, of any interest in the land or the structure on which or in which that dwelling or place of business is located for a public use project:

A. By public entity;

B. As a result of a written order from a public entity to

vacate the dwelling or place of business; or

C. By any individual or entity on behalf of, under agreement with or with funding from a public entity.

This definition shall be construed so that persons displaced as a result of public action or public participation receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private individual or entity for or in connection with a public use project, where the public entity is otherwise empowered to acquire the property to carry out the public use.

2. Public entity. "Public entity" includes the State, counties, municipalities, departments, agencies and any other political subdivisions of the State.

3. Public use project. "Public use project" means a project developed with the assistance, cooperation, guidance or support of any public entity, the purpose of which is to provide facilities for the use of the public. It does not include any single business obtaining funding or security for private funding from the United States Small Business Administration.

§953. Offer of assistance

1. Written offer; terms. Within 14 days after the acquisition of real property by a public entity or any person covered by the terms of this chapter and not less than 30 days prior to the date upon which the dwelling or place of business must be vacated, the public entity acquiring the land or building, ordering the dwelling or place of business vacated, or on whose behalf, under whose agreement or with

whose funding the acquiring person is acting, shall make a payment to compensate any person or entity who will become displaced for estimated:

- A. Actual reasonable expenses in moving himself, his family, business, farm operation or other personal property;
- B. Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the department; and
- C. Actual reasonable expenses in searching for a replacement business or farm.

Within 14 days after the displaced person has moved, and upon presentation of documentation of items listed in paragraphs A, B and C, the same public entity shall pay to the displaced person any actual reasonable expenses and losses in excess of the estimated payment made previously. If the estimated payment exceeds the actual reasonable expenses and losses, the displaced person may retain the difference.

2. Moving expense allowance. Any displaced person eligible for payments under subsection 1, who is displaced from a dwelling and who elects not to accept the payments authorized by subsection 1, may receive a moving expense allowance, determined according to a schedule established by the department, not to exceed \$300, and a dislocation allowance of \$200.

3. Fixed payment. Any displaced person eligible for payments under subsection 1, who is displaced from his place of business or from

his farm operation and who elects not to accept the payment authorized by subsection 1, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than \$2,500 nor more than \$10,000.

In the case of a business, no payment may be made under this subsection unless the department is satisfied that the business:

A. Cannot be relocated without a substantial loss of its existing patronage; and

B. Is not part of a commercial enterprise having at least ~~one~~ other establishment not being acquired by a public entity or individual, or private entity on behalf of, under agreement with or with funding from a public entity, which is engaged in the same or similar business.

§954. Ineligible persons

Persons who are qualified to receive relocation benefits under chapter 23 and the United States Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, are not eligible for benefits under this chapter. '

Statement of Fact

This amendment rewrites the bill to narrow the area of governmental activity subject to these provisions, and to broaden the class of "displaced persons" to include places of business. In response to this latter change, the benefit structure has been changed in the proposed Title 24, section 953.

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the House