

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 25

H. P. 19

House of Representatives, December 4, 1980

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Baker of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Provide Relocation Assistance to Certain Persons Ineligible for Federal Benefits.

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

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 certain persons displaced as a result of programs involving public entities, for which persons no assistance is available under federal 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 person who moves from a dwelling on real property as a result of the acquisition, in whole or in part, of such real property, for public use:

A. By a public entity;

- B. As a result of a written order from a public entity to vacate the dwelling; or**
- C. By any person having any agreement with or acting on behalf of a public entity.**

This definition shall be construed so that persons displaced as a result of public action 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 person for or in connection with a public use where they 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, when acquiring real property, or any interest therein, for public use.

§ 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, the public entity involved shall make a written offer to compensate any person who is or will become displaced for his:

- A. Actual and reasonable expenses in moving himself and his family, including moving personal property; and**
- B. Actual direct losses of tangible personal property as a result of moving, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the public entity.**

2. Alternate payment. In lieu of payments authorized by subsection 1, but within the same time period, a public entity may make a written offer to any person who is or will become displaced to pay a moving expense allowance, determined according to a schedule established by the public entity, not to exceed \$300 and in addition a dislocation allowance of \$200.

§ 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 bill requires public entities, whether the State, counties or municipalities, to make offers of relocation assistance to certain persons displaced as a result of projects not eligible for federal relocation assistance. The persons eligible under this bill would be those displaced from dwellings.