

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1053

7 H.P. 813

House of Representatives, March 4, 1983

8 Submitted by the Department of Transportation pursuant to Joint Rule
9 24.

10 On Motion of Representative Carroll of Limerick, referred to the
Committee on Transportation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Limerick.

Cosponsor: Senator Emerson of Penobscot.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide the Department of
18 Transportation with the Ability to Collect
19 Rents on Acquired Properties.
20

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

23 23 MRSA §154-D, as amended by PL 1971, c. 593,
24 §22, is further amended by adding at the end a new
25 paragraph to read:

26 Any person displaced by a taking or acquisition
27 who remains in occupancy after the date of acquisi-
28 tion shall pay rent from the date of the acquisition.
29 The consideration paid by the tenant or displaced
30 person shall not exceed fair rental value of the
31 property based on short-term occupancy. If the ten-
32 ants or displaced person and the department cannot
33 reach agreement as to fair rental value for the ini-
34 tial 90-day period after acquisition, each may apply

1 to the State Claims Board in writing for a determina-
2 tion as to the fair rental value. The State Claims
3 Board's jurisdiction to determine the fair rental
4 value shall be limited solely to the initial 90-day
5 period. Any consideration to be paid by the tenant
6 or displaced person after the initial 90-day period
7 shall be determined solely by the department.

8 STATEMENT OF FACT

9 Under the relocation program, the Department of
10 Transportation has been charging rent to tenants and
11 property owners who remain in occupancy after the
12 condemnation date. The amount is adjusted according
13 to the value of the property and how long the occu-
14 pant will remain. Obviously these rents reduce total
15 project costs and hence, save the State money.
16 Several property owners in the Bangor-Brewer project
17 have disputed the department's power to charge rent
18 for the initial 90-day period after condemnation. It
19 is argued that although the department has the power
20 to rent property under the Revised Statutes, Title
21 23, section 61, there is no provision under highway
22 law requiring occupants, particularly former property
23 owners, to pay rent for this 90-day period. They
24 have refused to make any rent payments. A number of
25 these parcels are used for commercial/industrial pur-
26 poses for which the market rental value is high. The
27 loss of these rents could represent substantial
28 losses to the State.

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