

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

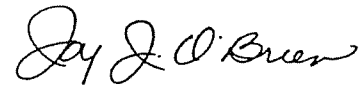
No. 559

S.P. 229

In Senate, March 6, 1989

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

Reference to the Committee on State and Local Government suggested and ordered printed.

  
JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin.

Cosponsored by Senator TWITCHELL of Oxford, Representative HICHBORN of LaGrange and Representative WENTWORTH of Wells.

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STATE OF MAINE

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

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An Act to Amend the General Relocation Assistance Provisions to Achieve Compliance with Certain Federal Laws.

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(EMERGENCY)



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

5           Whereas, the Federal Government requires the provisions of  
7 state relocation laws governing federally-assisted programs and  
projects be consistent with the 1987 amendments to the Federal  
9 Uniform Relocation Assistance and Real Property Acquisition  
Policies Act of 1970; and

11           Whereas, consistency must be achieved no later than April 1,  
13 1989; and

15           Whereas, if consistency is not timely achieved by the State,  
the State will be at risk of loss of federal funding for its  
17 programs and projects; and

19           Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
21 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
23 safety; now, therefore,

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

25           **Sec. 1. 1 MRSA §902**, as amended by PL 1973, c. 625, §5, is  
27 further amended to read:

29           **§902. State acceptance of federal funds; compliance with federal**  
31 **laws**

33           Whenever the acquisition of real property for a program  
undertaken by the State or any other public or private entity  
35 subject to the Federal Uniform Relocation Assistance and Real  
Property Acquisition Policies Act of 1970, PL 91-646 and 100-17,  
37 Title IV, as amended, referred to in this chapter as the "Federal  
Uniform Relocation Act," will result in the displacement of any  
39 person on or after ~~March 1, 1972~~ April 2, 1989, and the program  
is eligible for federal financial assistance, the State and any  
41 other public or private entity subject to the Federal Uniform  
Relocation Act ~~is--authorized--to~~ may receive such the federal  
43 financial assistance and upon or in anticipation of receipt  
of, ~~to~~ be guided to the greatest extent practicable by the land  
45 acquisition policies set forth in and ~~to~~ do all things necessary  
or proper to provide the services, payments and benefits provided  
47 in the Federal Uniform Relocation Assistance ~~and Real Property~~  
~~Acquisition Policies Act of 1970 (P.L. 91-646; 84-Stat. 1894).~~

49           **Sec. 2. 1 MRSA §903**, as enacted by PL 1971, c. 597, is  
51 amended to read:

1  
3     **§903. Definitions and exclusion**

5     Except where the context otherwise requires or as expressly  
7     set forth in this chapter, all terms used in this chapter shall  
9     have the same definitions as are set forth in the ~~federal~~ Federal  
11    Uniform Relocation Assistance--and--Real--Property--Acquisition  
13    Policies Act of--1970. The term "State" shall include every  
15    agency, department and political subdivision of the State, but  
17    shall not include the Department of Transportation. Nothing in  
19    this chapter shall may be construed to alter or amend Title 23,  
21    chapter 3, subchapter VII, which does and shall continue to apply  
23    exclusively to state or state aid highway projects and other  
25    activities of and by the Department of Transportation.

27     **Sec. 3. 1 MRSA §904**, as amended by PL 1973, c. 625, §6, is  
29    further amended to read:

31     Nothing in this chapter shall may be construed as creating  
33    in any condemnation proceeding brought under the power of eminent  
35    domain any element of value or of damage not in existence  
37    immediately prior to ~~March 1, 1972~~ April 2, 1989.

39     The requirement by the State to be guided, to the greatest  
41    extent practicable, by the policies set forth in the Federal  
43    Uniform Relocation Assistance--and--Real--Property--Acquisition  
45    Policies Act of--1970 shall create no rights or liabilities and  
47    shall not affect the validity of any property acquisitions by  
49    purchase or condemnation.

51     Nothing in this chapter shall may be construed to require  
53    the State to provide services, payments or benefits which exceed  
55    in quantity or quality those which are necessary or proper for  
57    the State to provide in order for the State to receive federal  
59    financial assistance by complying with the obligations imposed or  
61    incumbent upon states under the Federal Uniform Relocation  
63    Assistance--and--Real--Property--Acquisition--Policies Act of--1970.

65     Nothing in this chapter shall may be construed to limit the  
67    authority or eligibility of the State to receive federal  
69    financial assistance.

71     **Sec. 4. 1 MRSA §905** is enacted to read:

73     **§905. Guidelines; rules**

75     The head of each department and agency subject to this  
77    chapter may issue guidelines and procedures and promulgate rules  
79    as necessary or appropriate to carry out this chapter.

