

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1740

S.P. 664

In Senate, April 30, 1991

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator VOSE of Washington

Cosponsored by Representative TOWNSEND of Eastport, Representative LOOK of Jonesboro and Representative FARREN of Cherryfield.

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STATE OF MAINE

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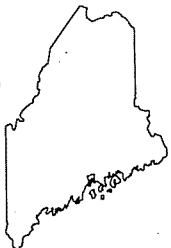
IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Provide Compensation when State Actions Diminish Property Values.**

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(AFTER DEADLINE)



2 Constitutional amendment. **RESOLVED:** Two thirds of each  
branch of the Legislature concurring, that the following  
amendment to the Constitution of Maine be proposed:

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6 **Constitution, Art. I, §21-A is enacted to read:**

8 **Section 21-A. Real estate use restriction; when to be**  
9 **compensated. When the adoption of any law, rule, ordinance or**  
10 **regulation restricts the use of real estate such that the just**  
11 **value of the real estate or any portion of the real estate is**  
12 **reduced by more than 10%, the owner must be compensated in the**  
13 **amount of the diminution in value. The Legislature shall enact**  
14 **general laws to carry out the intent of this section.**

16 ; and be it further

18 **Constitutional referendum procedure; form of question; effective**  
**date. Resolved:** That the municipal officers of this State shall  
20 notify the inhabitants of their respective cities, towns and  
plantations to meet, in the manner prescribed by law for holding  
22 a statewide election, at a statewide election, on the Tuesday  
following the first Monday of November following the passage of  
24 this resolution, to vote upon the ratification of the amendment  
proposed in this resolution by voting upon the following question:

26 "Shall the Constitution of Maine be amended to provide for  
27 compensation to the owner when the adoption of any law  
28 restricts the use of real estate such that the just value of  
the real estate is reduced by more than 10%?"

30 The legal voters of each city, town and plantation shall  
32 vote by ballot on this question, and shall designate their choice  
by a cross or check mark placed within the corresponding square  
34 below the word "Yes" or "No." The ballots must be received,  
sorted, counted and declared in open ward, town and plantation  
36 meetings and returns made to the Secretary of State in the same  
manner as votes for members of the Legislature. The Governor  
38 shall review the returns and, if it appears that a majority of  
the legal votes are cast in favor of the amendment, the Governor  
40 shall proclaim that fact without delay and the amendment becomes  
part of the Constitution on the date of the proclamation; and be  
42 it further

44 **Secretary of State shall prepare ballots. Resolved:** That the  
Secretary of State shall prepare and furnish to each city, town  
46 and plantation all ballots, returns and copies of this resolution  
necessary to carry out the purposes of this referendum.

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## STATEMENT OF FACT

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This resolution provides compensation to the owner of real property whenever the adoption of real estate use laws, rules, ordinances or regulations by any agency of government restricts the use of real estate such that a "taking" of value occurs. A taking of compensable value occurs when the restrictions on the use of real estate reduce the just value of the property or the portion affected by more than 10%. The Legislature is required to implement this constitutional provision once it is adopted. The legislation would require the creation of guidelines for determining the relationship between the degree of restriction in use and the degree of reduction in value.