

MAINE STATE LEGISLATURE

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R. of S.

L.D. 672

(Filing No. H- 551)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 514, L.D. 672, Bill, "An Act to Protect Private Property"

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

Sec. 1. 1 MRSA c. 22 is enacted to read:

CHAPTER 22

PRIVATE PROPERTY PROTECTION

§841. Compensation for taking

An entity imposing a law, rule, regulation or ordinance shall compensate the owner for taking the real property if that law, rule, regulation or ordinance denies all economically viable use of the real property. This section does not apply to a public or private nuisance.

Sec. 2. Application. This Act applies to causes of action that accrue after the effective date of this Act.

FISCAL NOTE

The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial Department.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 514, L.D. 672

2 Additional General Fund appropriations may be required to
reimburse property owners for the "taking" of property caused by
4 state laws, rules, regulations and ordinances and to fund 90% of
the reimbursements to property owners caused by laws, rules,
6 regulations and ordinances of local units of government pursuant
to the Constitution of Maine as a state mandate.

8
10 **STATEMENT OF FACT**

12 This amendment replaces the bill. It is based on the United
States Supreme Court's opinion in Lucas v. South Carolina Coastal
14 Council, 505 U.S. _____, 112 S.Ct. 2886 (1992). It requires an
entity that adopts a law, rule, regulation or ordinance that
16 denies all economically viable use of a parcel of real property
to pay compensation to the owner of that property. Thus, if the
18 State or a municipality or other entity adopts a new law, rule,
regulation or ordinance that denies all economically viable use
of the real property, the adopting entity must pay the property
20 owner compensation for taking that property for public use as
required by the constitutions of Maine and the United States.
22 This requirement does not apply to public or private nuisances.

24 This bill as amended applies only to causes of action that
accrue after the effective date of this legislation.

26 This amendment also adds a fiscal note to the bill.

Reported by the Minority of the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the
House
6/2/93 (Filing No. H-551)