

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1550

H.P. 1147

House of Representatives, March 8, 2001

**An Act to Bring the Takings Law into Compliance with the Constitution
of Maine and the United States Constitution.**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative GLYNN of South Portland.

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

4 **Sec. 1. Federal and state court decisions regarding constitutional**
6 **takings.** The State and political subdivisions of the State shall
8 comply with the legal principles set forth in the following state
and federal court cases that address constitutional takings
issues in all situations involving real property, including the
taking or purchase of rights-of-way and easements:

10 1. Cordeco Development Corp. v. Vasquez (354 F. Supp. 1355,
12 1972);

14 2. Dolan v. Tigard (512 U.S. 687, 1994);

16 3. Hafer v. Melo (502 U.S. 21, 1991);

18 4. Nollan v. California Coastal Commission (483 U.S. 825,
1987);

20 5. Florida Rock Industries Inc. v. United States (18 F.3d
22 1560, Fed. Cir. 1994);

24 6. Pennsylvania Coal Co. v. Mahon (260 U.S. 393, 1922);

26 7. Armstrong v. United States (364 U.S. 40, 1960);

28 8. First English Evangelical Lutheran Church of Glendale v.
Los Angeles County, CA. (482 U.S. 304, 1987);

30 9. Chicago B. & Q. R. Co. v. Chicago (166 U.S. 226, 1897);
32 and

34 10. State of Maine v. Johnson (265 A2d 711, Maine 1970).

36 **SUMMARY**

38 This bill requires the State and its political subdivisions
40 to comply with the constitutional takings principles espoused in
several state and federal court cases in all situations involving
42 real property, including the taking or purchase of rights-of-way
and easements.