

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1881

S.P. 679

In Senate, December 17, 2001

**An Act to Reduce Administration in the Right-of-way Process of the
Department of Transportation.**

Submitted by the Department of Transportation pursuant to Joint Rule 204.
Received by the Secretary of the Senate on December 17, 2001. Referred to the Committee
on Transportation and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator SAVAGE of Knox.
Cosponsored by Representative FISHER of Brewer.

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

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Sec. 1. 23 MRSA §153-B, sub-§2, as amended by PL 1997, c. 272, §1, is further amended to read:

2. Survey and appraisal. When property is to be purchased or taken over and held for the State, unless the department determines that an adequate description already exists, the department shall first cause the property or interest in the property to be acquired to be surveyed and described, and a plan of the property made, and to be appraised by one or more appraisers. The owner or the owner's designated representative must be given an opportunity to accompany the appraisers during the appraiser's inspection of the property. All persons employed by the department are authorized, to the extent necessary for surveys, appraisals and preliminary engineering, to enter and cross all lands within, adjoining and adjacent to the area proposed for acquisition in carrying out the objectives of this section. The department may prescribe procedures to waive the appraisal in cases involving the acquisition by sale or donation of property or interest in property. The department may prescribe procedures to waive the appraisal in cases in which the fair market value of the property or interest in the property to be taken is estimated at ~~\$5,000~~ \$15,000 or less and valuation can be established by another method. In any case in which the department and the owner do not reach an agreement about the value of property or interest in property to be acquired, or if the owner requests, the department shall perform an appraisal.

SUMMARY

This bill increases the dollar amount that the Department of Transportation can pay landowners for property without a formal appraisal from \$5,000 to \$15,000. A market analysis will be performed in place of the formal appraisal. In cases in which the landowner does not consent to the amount, the formal appraisal will be performed.