

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1297

H.P. 894

House of Representatives, March 15, 2005

### **An Act To Provide Just Compensation for Established Businesses During Eminent Domain Proceedings**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BRYANT-DESCHENES of Turner.  
Cosponsored by Representatives: CROSTHWAITE of Ellsworth, FLETCHER of Winslow,  
McKENNEY of Cumberland, Senator: ROSEN of Hancock.

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

4 **Sec. 1. 23 MRSA §154, sub-§2, ¶F-1 is enacted to read:**

6 F-1. For a business established for more than 4 years that  
8 is located on land that is the subject of the proceedings,  
10 or located on adjoining lands if that business owns the land  
12 that is the subject of the proceedings, the direct and  
14 proximate decrease in the value of the business on the  
16 property as well as lost profits and lost income;

18 **Sec. 2. 23 MRSA §154, sub-§3, ¶C-1 is enacted to read:**

20 C-1. For a business established for more than 4 years that  
22 is located on land that is the subject of the proceedings,  
24 or located on adjoining lands if that business owns the land  
26 that is the subject of the proceedings, the direct and  
28 proximate decrease in the value of the business on the  
30 property as well as lost profits and lost income;

32 **Sec. 3. 30-A MRSA §3101, sub-§3 is enacted to read:**

34 3. Just compensation for established businesses. Just  
36 compensation paid by the municipality must include compensation  
38 for damages to a business established for more than 4 years that  
40 is located on land that is the subject of the proceedings or  
42 located on adjoining lands if that business owns the land that is  
44 the subject of the proceedings. These damages must include the  
46 direct and proximate decrease in the value of the business on the  
48 property as well as lost profits and lost income.

32 **Sec. 4. 30-A MRSA §5204, sub-§10 is enacted to read:**

34 10. Just compensation for certain businesses. For the  
36 purposes of eminent domain proceedings, just compensation for a  
38 business established for more than 4 years that is located on  
40 land that is the subject of the proceedings or located on  
42 adjoining lands if that business owns the land that is the  
44 subject of the proceedings must include the direct and proximate  
46 decrease in the value of the business on the property as well as  
48 lost profits and lost income.

## 44 SUMMARY

46 This bill provides that in certain eminent domain  
48 proceedings, established businesses are entitled to compensation  
for the loss of business profits and income resulting from the

2 taking of the land that is the subject of the eminent domain proceedings.