

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Date: 5/22/19

(Filing No. H-366)

Majority
JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1207, Bill, "An Act To Base the Value of Eminent Domain Takings on Going Concern Value"

Amend the bill by inserting after section 5 the following:

'Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Administration - Executive - Governor's Office 0165

Initiative: Provides funds to contract for business damage ombudsman services.

GENERAL FUND	2009-10	2010-11
All Other	\$138,113	\$184,150
GENERAL FUND TOTAL	<u>\$138,113</u>	<u>\$184,150</u>

EXECUTIVE DEPARTMENT	2009-10	2010-11
DEPARTMENT TOTALS	\$138,113	\$184,150
GENERAL FUND	<u>\$138,113</u>	<u>\$184,150</u>
DEPARTMENT TOTAL - ALL FUNDS	<u>\$138,113</u>	<u>\$184,150</u>

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Capital 0406

Initiative: Provides funding for legal fees, consultant costs, appraisals, training and supplies to determine compensation for loss or impairment of the going concern value of a business.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1207

1	HIGHWAY FUND	2009-10	2010-11
2	All Other	\$627,200	\$540,500
3			
4	HIGHWAY FUND TOTAL	<u>\$627,200</u>	<u>\$540,500</u>
5	Highway and Bridge Capital 0406		
6	Initiative: Provides funding for Capital Expenditures for loss or impairment of going concern value of a business when the property is taken by eminent domain.		
7			
8	HIGHWAY FUND	2009-10	2010-11
9	Capital Expenditures	\$300,000	\$300,000
10			
11	HIGHWAY FUND TOTAL	<u>\$300,000</u>	<u>\$300,000</u>
12	TRANSPORTATION, DEPARTMENT OF		
13	DEPARTMENT TOTALS		
14		2009-10	2010-11
15	HIGHWAY FUND	\$927,200	\$840,500
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$927,200</u>	<u>\$840,500</u>
18	SECTION TOTALS		
19		2009-10	2010-11
20	GENERAL FUND	\$138,113	\$184,150
21	HIGHWAY FUND	\$927,200	\$840,500
22			
23	SECTION TOTAL - ALL FUNDS	<u>\$1,065,313</u>	<u>\$1,024,650</u>
24			

25 **SUMMARY**

26 This amendment is the majority report. The amendment adds an appropriations and
27 allocations section to the bill.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



124th MAINE LEGISLATURE

LD 1207

LR 1468(02)

An Act To Base the Value of Eminent Domain Takings on Going Concern Value

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$138,113	\$184,150	\$184,150	\$184,150
Highway Fund	\$927,200	\$840,500	\$840,500	\$840,500
Appropriations/Allocations				
General Fund	\$138,113	\$184,150	\$184,150	\$184,150
Highway Fund	\$927,200	\$840,500	\$840,500	\$840,500

Fiscal Detail and Notes

This legislation establishes criteria for determination of compensation for loss or impairment of the going concern value of a business when the property is taken by the Department of Transportation by eminent domain. This bill includes a Highway Fund allocation of \$927,200 in fiscal year 2009-10 and \$840,500 in fiscal year 2010-11 for the Department of Transportation. This amount includes expected increased legal fees due to this legislation, appraisal costs, consultant costs and training. It also includes an estimated Capital Expenditures funding allocation of \$300,000 per year for compensation of loss or impairment to businesses. This estimate is based upon 10.7% of total acquisition cost. This bill also includes a General Fund appropriation of \$138,113 in fiscal year 2009-10 and \$184,150 in fiscal year 2010-11 for the Executive Department to contract for business damage ombudsman services.