

# MAINE STATE LEGISLATURE

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TRANSPORTATION

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 524, L.D. 1440, Bill, "An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 23 MRSA §156, 4th ¶, as repealed and replaced by PL 1991, c. 684, §2, is repealed and the following enacted in its place:

An attested copy of each award must be sent immediately to the Department of Transportation and to the party or parties named in the award. The State Claims Commission shall state by letter sent to all parties the date it issues its decision of the award. If no appeal is taken within 30 days of the date of issuance of the commission award pursuant to section 157, the Department of Transportation shall, within 60 days from the date of issuance of the commission award, pay the awarded amount to the party or parties named in the award.

Sec. 2. 23 MRSA §157, first ¶, as repealed and replaced by PL 1991, c. 684, §8, is amended to read:

The Department of Transportation or any party or parties aggrieved by an award by the State Claims Commission may appeal to the Superior Court in the county where the land is situated within 30 days from the date of issuance of the commission award was forwarded by the commission. This appeal is de novo and is taken by filing a complaint setting forth substantially the facts upon which the case will be tried like other civil cases. The party appealing must provide a copy of the complaint to be filed in the Superior Court to the other party or parties within the same 30 days.

Sec. 3. Application. This Act applies to appeals from an award of the State Claims Commission that were pending on or after January 1, 2009, except that an appeal pending on or after January 1, 2009 but prior to the effective date of this Act for which notice was provided in accordance with the law in effect prior to this Act may not be

COMMITTEE AMENDMENT

1 dismissed for failure by a party to provide a copy of the complaint to the other party or  
2 parties within 30 days of the date of issuance of the commission award.'

3 **SUMMARY**

4 The amendment, which replaces the bill, clarifies the appeals process from an award  
5 by the State Claims Commission. The amendment requires the State Claims Commission  
6 to state by letter the date it issues its decision of an award. Current law provides that any  
7 party or parties aggrieved by an award by the State Claims Commission may appeal to  
8 the Superior Court within 30 days of the issuance of the commission award. The  
9 amendment provides that the party appealing must provide a copy of the complaint to be  
10 filed in the Superior Court to the other party or parties within the same 30 days, and not  
11 to the State Claims Commission.

12 The amendment also provides that this legislation applies to appeals from an award of  
13 the State Claims Commission that were pending on or after January 1, 2009, except that  
14 an appeal for which notice was provided in accordance with the law prior to the effective  
15 date of this Act may not be dismissed by the Superior Court for failure to comply with the  
16 new notice requirements of this legislation.