

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 1440

S.P. 524

In Senate, April 7, 2009

### An Act To Clarify the Purpose of the Notice Requirement of Land Taking by the Department of Transportation

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Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAVIS of Cumberland.  
Cosponsored by Senators: HASTINGS of Oxford, MILLS of Somerset, Representatives: HILL  
of York, ROSEN of Bucksport, WEAVER of York.

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

2 **Sec. 1. 23 MRSA §156, 4th ¶**, as repealed and replaced by PL 1991, c. 684, §2, is  
3 amended to read:

4 An attested copy of each award must be sent immediately to the Department of  
5 Transportation and to the party or parties named in the award. The State Claims  
6 Commission shall state by letter the date it forwarded the award and all parties shall  
7 within 30 days designate to the commission the award or awards from which an appeal  
8 will be taken to Superior Court. If no appeal is taken within 30 days of the date of  
9 issuance of the commission award, the State Claims Commission shall promptly notify  
10 the Department of Transportation. The Department of Transportation shall, within 60  
11 days from the date of issuance of the commission award, pay the awarded amount to the  
12 party or parties named in the award. The failure of a party to designate to the commission  
13 the award or awards from which an appeal will be taken within 30 days from the date the  
14 commission forwards an award does not affect the party's right to take an appeal to the  
15 Superior Court.

16 **Sec. 2. Application.** This Act applies to appeals from an award of the State  
17 Claims Commission that were pending on or after January 1, 2009.

18 **SUMMARY**

19 This bill allows a party to appeal an award by the State Claims Commission to the  
20 Superior Court although the party failed to designate to the commission the award or  
21 awards from which an appeal will be taken within 30 days of the commission forwarding  
22 the award.