

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)

3me
R O F S

1

L.D. 1810

2

Date: 4-12-12

(Filing No. S- 556)

3

Reproduced and distributed under the direction of the Secretary of the Senate.

4

STATE OF MAINE

5

SENATE

6

125TH LEGISLATURE

7

SECOND REGULAR SESSION

8

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to H.P. 1334, L.D. 1810, Bill, "An Act To Implement Recommendations of the Committee To Review Issues Dealing with Regulatory Takings"

9

10

11

Amend the amendment in Part A in section 1 in §851 by striking out all of subsection 7 (page 2, lines 4 and 5 in amendment)

12

13

Amend the amendment in Part A in section 1 in §851 by renumbering the subsections to read consecutively.

14

15

Amend the amendment in Part A in section 1 by striking out all of §856 and inserting the following:

16

17

§856. Relief

18

Damages are available as relief for a regulatory taking. The fact finder shall award the property owner an amount it determines comprises the diminution in fair market value caused by regulation, and title in the real property remains with the property owner. Payment of damages pursuant to this section operates to grant to and vest in the State the right to enforce the regulation as to the real property. Damages are limited to damages pursuant to Title 14, section 8105, subsection 1.'

19

20

21

22

23

24

Amend the amendment in Part A in section 1 in §859 in subsection 5 by striking out all of paragraphs A to H (page 5, lines 13 to 23 in amendment) and inserting the following:

25

26

27

'A. Swap or exchange real property;

28

B. Accept mitigation, including payments in lieu of on-site mitigation;

29

C. Accept location of development on the least sensitive portion of the regulated real property; or

30

31

D. Purchase the real property, or an interest in the real property or a portion of the real property, or pay compensation.'

32

33

Amend the amendment in Part A in section 1 in §859 in subsection 5 in the last paragraph in the last line (page 5, line 30 in amendment) by striking out the following: "or a takings variance"

34

35

R O F S

SENATE AMENDMENT " **A**" to COMMITTEE AMENDMENT "B" to H.P. 1334, L.D. 1810


1 Amend the amendment in Part B in section 3 in §1101 in subsection 4 in paragraph I
2 in the 3rd and 4th lines (page 11, lines 21 and 22 in amendment) by striking out the
3 following: "the number of variances granted to property owners"

4 **SUMMARY**

5 This amendment removes the option of a takings variance as relief for a regulatory
6 taking and limits the options available to the State in a written settlement offer as part of
7 mediation.

8 **FISCAL NOTE REQUIRED**

9 (See attached)

10 SPONSORED BY: 
11 (Senator HASTINGS)
12 COUNTY: Oxford



125th MAINE LEGISLATURE

LD 1810

LR 2684(07)

An Act To Provide Ongoing Review of the Effectiveness and Fairness of Land Use Laws and Rules

Fiscal Note for Senate Amendment "A" to Committee Amendment "B" S-556

Sponsor: Sen. Hastings, III of Oxford

Fiscal Note Required: Yes

Fiscal Note

Future biennium cost increase - General Fund

Future biennium cost increase - Highway Fund

Fiscal Detail and Notes

Eliminating the option for the State to grant a takings variance may increase the amount of damages the State pays to property owners and increase costs to the Judicial Department. The amount of the increase cannot be estimated at this time.