

MAINE STATE LEGISLATURE

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MINORITY

L.D. 1450

2 Date: 6/13/2013

(Filing No. S-780)

3 JUDICIARY

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5 STATE OF MAINE

6 SENATE

7 126TH LEGISLATURE

8 FIRST REGULAR SESSION

9 COMMITTEE AMENDMENT "A" to S.P. 532, L.D. 1450, Bill, "An Act To
10 Connect the Citizens of the State to the State's Natural Resources by Establishing
11 Standards for Relief from Regulatory Burdens"

12 Amend the bill in Part A in section 1 in §857 in subsection 4 by striking out all of the
13 last underlined sentence (page 3, lines 18 to 21 in L.D.)

14 Amend the bill in Part A in section 1 in §859 by striking out all of subsection 8 (page
15 5, lines 17 to 31 in L.D.) and inserting the following:

16 **'8. Failure to reach settlement.** If a property owner and the State fail to agree to a
17 settlement during the mandatory mediation process, the property owner may file an action
18 against the State under section 853. If during mediation the State makes a bona fide
19 settlement offer and the owner rejects that offer and proceeds to file a claim under section
20 853, the property owner is liable for the costs and fees of the State from the point in time
21 of rejection of the State's bona fide settlement offer until resolution of the claim under
22 section 853 as long as the resolution of the claim under section 853 is either a finding of
23 no taking or the damages awarded under the claim under section 853 are of a smaller
24 dollar value than that contained in the State's bona fide settlement offer.'

25 Amend the bill in Part B in section 1 in §831 in subsection 2 by striking out all of
26 paragraph B (page 6, lines 21 to 25 in L.D.) and inserting the following:

27 **'B. Establish a simple and expedient application process; and'**

28 Amend the bill in Part B by striking out all of section 3.

29 Amend the bill in Part B by striking out all of section 6.

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
31 section number to read consecutively.

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SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It deletes from the bill the chapter on regulatory fairness review and removes provisions related to that chapter.

FISCAL NOTE REQUIRED
(See attached)



126th MAINE LEGISLATURE

LD 1450

LR 825(02)

An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

A" (S-280)

Fiscal Note

Potential current biennium cost increase - General Fund

Potential current biennium cost increase - Other Special Revenue Funds

Potential current biennium cost increase - Highway Fund

Fiscal Detail and Notes

This legislation creates a process for landowner relief related to regulatory takings. Depending upon the number or extent of any lawsuits filed, General Fund, Other Special Revenue Funds and Highway Fund costs could be increased as a result of any payments to landowners. The Judicial Department and the Department of the Attorney General will also require additional General Fund appropriations for staff and appraiser fees.