

MAINE STATE LEGISLATURE

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JMC
ROEJS

MINORITY

L.D. 309

Date: 5/26/15

(Filing No. S-124)

JUDICIARY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 124, L.D. 309, Bill, "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

Amend the bill in Part A in section 1 in §851 by inserting after subsection 6 the following:

'7. Takings variance. "Takings variance" means a decision by the State to permit departure from the requirements of a regulation that imposes a regulatory taking.'

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

Amend the bill in Part A in section 1 by striking out all of §856 (page 3, lines 1 to 7 in L.D.) and inserting the following:

'§856. Relief

Damages or a takings variance is available as relief for a regulatory taking, at the option of the State.

1. Damages. If the State chooses to pay damages, 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.

2. Takings variance. If the State chooses to grant a takings variance, the regulation causing the regulatory taking may not be applied to the real property upon which a regulatory taking would otherwise occur.'

Amend the bill in Part A in section 1 in §859 in subsection 5 by striking out all of paragraphs C and D (page 4, lines 39 and 40 and page 5, lines 1 and 2 in L.D.) and inserting the following:

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 309

LR 978(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 "A" (S-124)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Potential current biennium cost increase - Highway Fund

Potential current biennium cost increase - Other Special Revenue Funds

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.