



125th MAINE LEGISLATURE

LD 1135

LR 657(02)

An Act To Protect the Rights of Property Owners

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Increases judicial branch case-loads.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

This bill requires all public entities at the municipal, county and state level to compensate landowners who present a demand letter and/or subsequently pursue the private right of action granted by this bill in response to land use regulations enacted or applied in such a manner as to allegedly cause a diminution of value by at least 50% in any real property interest. The bill provides for reimbursement of reasonable attorney's fees, expenses, costs and other disbursements incurred to collect such compensation in a Superior Court action, but does not specify whether the owner bringing such suit must prevail in the action in order to be entitled to reasonable fees and costs.

Any demands for compensation or civil actions brought pursuant to the provisions of this bill could result in significant costs to the General Fund or to local units of government. Government entities do have the ability to avoid paying compensation by modifying, removing or not applying the land use regulation that caused the demand for compensation. As it cannot be predicted what decisions will be made to limit the amount of compensation that may be paid, no estimate of cost to the General Fund is made at this time.