

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: (Filing No. S-)

JUDICIARY

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

**STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” 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

