

Support the Majority Report on LD 1810 – Regulatory Takings

The Majority Report (8-5) on LD 1810 is a workable, bipartisan approach for addressing issues raised by the regulatory takings study committee, and would accomplish the following:

- **Build on the LD 1 process** by creating an on-going Regulatory Fairness Committee to evaluate the impacts of regulation on property owners.
- **Create a forum for small farmers and woodlot owners.** The Regulatory Fairness Committee would be required to annually solicit input from organizations representing farmers and small woodlot owners.
- **Enable prompt legislative action to address problems.** The Regulatory Fairness Committee will evaluate issues and refer them to the primary committees of jurisdiction, which are authorized to submit legislation for public hearing and legislative action.
- **Ensure ongoing evaluation of land use mediation and possible regulatory takings.** The Regulatory Fairness Committee will receive and review information annually from the land use mediation program and the Attorney General's Office regarding implementation of provisions enacted following the 1995 Bipartisan Takings Study Commission.

Oppose the Complex, Costly, and Risky Minority Report

The Minority Report represents a completely untested proposal, unlike anything enacted in any state in the nation. It is so complex that it is guaranteed to cause budgetary, legal, and policy problems for Maine, including the following:

- **High costs to Maine taxpayers** – likely in the millions of dollars – due to the proposals untested and vague provisions that would thrust the Attorney General's Office and the Maine Courts into defending Maine in a high number of mediation and litigation cases. Damages of up to \$400,000 per case would amount to millions in unappropriated funds.
- **A "Lawyers Paradise" because of the bill's staggering complexity** . The Minority Report is so complicated that it is guaranteed to create a cottage industry of lawyers working for their clients to secure waivers from Maine law or payments from the State Treasury.
- **Waivers will cause neighbors to sue neighbors.** The Minority Report allows waivers of Maine law to be granted to individual property owners, without judicial review or involvement by towns or interested parties. These waivers will cause neighbors to sue neighbors because of the impacts when an abutter's actions harm adjacent properties.
- **Windfall benefits for corporate and special interests.** Only special interests will be able to afford the attorneys, appraisers, and lobbyists needed to work through the complex maze of the Minority Report. Special interests would benefit from waivers that allow them to pursue developments that otherwise are restricted, and they would benefit by blocking the Legislature from adopting future land use laws—which seems to be the real intent.