

OPPOSE

LD 309 – An Act to Connect the Citizens of the State to the State’s Natural Resources by Establishing Standards for Relief from Regulatory Burdens

Sponsor: Senator COLLINS of York

Cosponsors: Senators BURNS of Washington; CUSHING of Penobscot; DAVIS of Piscataquis; EDGECOMB of Aroostook; HAMPER of Oxford; LANGLEY of Hancock; MASON of Androscoggin; WHITTEMORE of Somerset; and Representative NADEAU of Winslow

Summary: LD 309 would allow individual or corporate property owners to seek payments from the State in response to laws that these property owners claim decrease the value of their property.

Explanation: LD 309 is a so-called “takings” bill which, like a similar bill (LD 162) introduced this year, raises huge fiscal, legal, administrative, and policy issues. The bill would be extremely costly to Maine taxpayers and is so staggeringly complex that it would be a recipe for lawsuits and sweeping unintended consequences.

- *High costs to Maine taxpayers:* The bill would cost Maine taxpayers millions of dollars simply to cover the costs imposed on the Attorney General’s Office and the Maine courts in defending the people of Maine from a cascade of mediation and litigation cases—let alone the cost of making payments in response to claims. The bill provides no funding, so costs would come from the General Fund at the expense of other government programs.
- *Complex bill would be a lawyer’s paradise:* LD 309 creates such a complex legal scheme that it is guaranteed to create a cottage industry for lawyers working for their clients to secure payments from the State Treasury.
- *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 this bill. Special interests would benefit from the bill’s ability to block the Legislature from adopting future land use laws—which seems to be the real intent of LD 309.
- *Blocking Laws that Benefit Maine:* The threat of lawsuits could prevent the Legislature from passing future laws that are needed to protect communities and property owners from harmful land uses. For example, state efforts to protect deer yards, regulate casinos, direct the location of major energy projects, protect water supplies, and guide the siting of landfills and major economic projects could all trigger compensation claims.

Legislation like LD 309 has been considered by the Maine Legislature many times over the past 20 years, and every time those bills have been defeated with bipartisan opposition. In 2012, forty-three Maine attorneys urged the Judiciary Committee to reject a bill similar to LD 309. The Maine Attorney General in 2012 and 2013 warned lawmakers about the costs and potential consequences of such legislation. LD 309 is a risky and completely untested proposal that is unlike anything enacted by any state in the nation. It should be defeated.

NRCM opposes LD 309.