

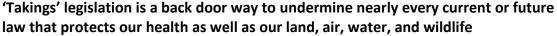
'Takings' Legislation

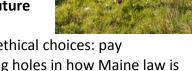
Prevent the undermining of Maine's core environmental protections

Our land use policies are a reflection of our shared values and the legacy we want to leave our children and grandchildren

Maine's land use laws are designed to protect our water, land, and wildlife; the character of Maine communities; public health and safety; and the value of property for *all* Mainers

- A 'takings' bill threatens these core purposes of public policy by requiring that Maine taxpayers pay people and corporations to obey the law
- If payments aren't provided, then Maine laws would be waived. This "pay or waive" concept has sweeping implications, pitting neighbor against neighbor and resulting in a cascade of lawsuits with huge costs to the State





- Taxpayers and state agencies would be left with two unworkable and unethical choices: pay landowners to follow the law or waive the protective regulation, punching holes in how Maine law is applied across the landscape
- The proposed bill is designed to create gridlock. It would prevent the Legislature from legislating and the regulatory agencies from applying the laws the Legislature enacts
- With built-in disincentives to enact future land use laws, 'takings' legislation would strip Maine lawmakers' ability to protect the interests of Maine people as future challenges arise
- As examples, state efforts to protect deer yards, regulate casinos, or direct the location of major energy projects and transmission lines could all trigger compensation claims

'Takings' bills create a legal and financial morass for states, with potentially huge costs for taxpayers

- 'Takings' proposals are a guaranteed recipe for lawsuits that would leave staggering costs to be borne by Maine taxpayers
- There is no 'cost free' option. Maine would incur substantial costs simply to defend itself against future compensation claims and lawsuits, let alone to settle claims
- 'Takings' laws create an irresistible incentive for landowners to inflate development plans in order to make compensation claims for projects they may never have realistically planned on building



There is no evidence that a problem exists for which such an extraordinary legal action is needed

 Over 98% of all land use permit applications in Maine are approved

'Takings' proposals have been broadly rejected nationwide and defeated in Maine five times. That's because 'takings' bills are simply a bad idea that is out of step with Maine people and Maine values

• A 'takings' bill was adopted in Oregon in 2004 and largely repealed in 2007 following 7,000 claims for compensation totaling nearly \$20 billion and more than 400 lawsuits

Defeat 'Takings' Legislation: Prevent the Undermining of Maine's Core Environmental Protections

For more information, please contact Pete Didisheim at 207-622-3101 or pdidisheim@nrcm.org

Maine Environmental Priorities Coalition

Maine's Environmental Priorities Coalition is a partnership of 27 environmental, conservation, and public health organizations representing over 100,000 members who want to protect the good health, good jobs and quality of life that our environmental provides for all of us.

American Lung Association of Maine Appalachian Mountain Club Atlantic Salmon Federation Bicycle Coalition of Maine **Conservation Law Foundation Environmental Health Strategy Center Environment Maine Environment Northeast** Friends of Casco Bay Maine Audubon Maine Center for Economic Policy Maine Congress of Lake Associations Maine Council of Churches Maine Council of Trout Unlimited Maine Conservation Alliance Maine Interfaith Power and Light Maine Organic Farmers and Gardeners Association Maine People's Alliance Maine Rivers Natural Resources Council of Maine Physicians for Social Responsibility, Maine Chapter **Product Policy Institute of Maine RESTORE: The North Woods** Sierra Club Maine The Ocean Conservancy The Wilderness Society **Toxics Action Center**