



## '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



'Takings' legislation is a back door way to undermine nearly every current or future law that protects our health as well as our land, air, water, and wildlife

- 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](mailto: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 environment 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