

**§161. Incidental expense payments**

**1. Reimbursement.** When the department acquires real or personal property for transportation purposes, the department is not required to pay any taxes or assessments on that property. The department, as soon as practicable after the date of payment of just compensation, shall reimburse the owner from whom the property has been acquired for transportation purposes, to the extent the department deems fair and reasonable, for expenses the owner necessarily incurred for:

A. Recording fees, transfer taxes and similar expenses, if any, incidental to conveying such property to the State; [PL 1971, c. 333, §5 (NEW).]

B. Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and [PL 1971, c. 333, §5 (NEW).]

C. The pro rata portion of real property taxes paid which are allowable to a period subsequent to the date of vesting title in the State, or the effective date of possession of such real property by the State, whichever is earlier. [PL 1971, c. 333, §5 (NEW).]

[PL 2017, c. 40, §1 (AMD).]

**2. Determination.** Any determination by the department in the administration of this section shall be final and nothing herein shall be construed to give any person a cause of action in the State Claims Commission or the Superior Court.

[PL 1987, c. 395, Pt. A, §102 (AMD).]

**SECTION HISTORY**

PL 1971, c. 333, §5 (NEW). PL 1971, c. 593, §22 (AMD). PL 1981, c. 470, §A132 (AMD). PL 1987, c. 395, §A102 (AMD). PL 2017, c. 40, §1 (AMD).

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