

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
SENATE  
116TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P.  
864, L.D. 1173, Bill, "An Act Related to the Adoption of  
Municipal Ordinances and Comprehensive Plans and to Revise Notice  
Requirements for Certain Zoning Changes"

Amend the amendment by striking out all of section 3 and  
inserting its place the following:

'Sec. 3. 30-A MRSA §4352, sub-§9, as enacted by PL 1991, c.  
504, §2, is repealed and the following enacted in its place:

9. Notice; general requirements. Before adopting a new  
zoning ordinance or map or amending an existing zoning ordinance  
or map, including ordinances or amendments adopted under the laws  
governing growth management contained in chapter 187, subchapter  
II or the laws governing shoreland zoning contained in Title 38,  
chapter 3, subchapter I, article 2-B, the municipal reviewing  
authority must post and publish notice of the public hearing  
required under subsection 1 in accordance with the following  
provisions.

A. The notice must be posted in the municipal office at  
least 14 days before the public hearing.

B. The notice must be published at least 2 times in a  
newspaper that complies with Title 1, section 601 and that  
has a general circulation in the municipality. The date of  
the first publication must be at least 14 days before the  
hearing and the date of the 2nd publication must be at least  
7 days before the hearing. That notice must be written in  
plain English, understandable by the average citizen.

Sec. 4. 30-A MRSA §4352, sub-§10 is enacted to read:

10. Additional notice; limited areas. Notice must be given  
in accordance with this subsection and subsection 9 when a  
municipality has proposed an amendment to an existing zoning  
ordinance or map that, within a geographically specific portion  
of the municipality, has the effect of either prohibiting all

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 864,  
L.D. 1173

industrial, commercial or retail uses where any of these uses are permitted or permitting any industrial, commercial or retail uses where all of these uses are prohibited.

A. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.

B. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 14 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. Notice is not required under this paragraph for any type of zoning ordinance adopted under the laws governing growth management contained in chapter 187, subchapter II or the laws governing shoreland zoning contained in Title 38, chapter 3, subchapter I, article 2-B.

Any action challenging the validity of an amendment to a zoning ordinance or map based on a municipality's failure to comply with paragraph B must be brought in Superior Court within 30 days after the adoption of the amended ordinance or map. The Superior Court may invalidate an amended ordinance or map if the appellant demonstrates that the appellant was entitled to receive a notice under paragraph B, that the municipality failed to send the notice as required, that the appellant had no knowledge of the proposed amendment to the ordinance or map and that the appellant was materially prejudiced by that lack of knowledge. Nothing in this subsection alters the right of a person to challenge the validity of any ordinance based on the failure of the municipality to provide notice as required in paragraph A and subsection 9.'

## STATEMENT OF FACT

This amendment replaces section 3 of the bill. This amendment clarifies the notification requirements for municipalities when they adopt, amend or alter zoning ordinances. Under this amendment there are 2 types of notice requirements: a general provision for notice of the adoption, amendment or replacement of zoning ordinances, including ordinances adopted under growth management or shoreland zoning

R. of S.

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 864,  
L.D. 1173

2 laws; and additional, individualized notices to persons affected  
by the adoption of amendments to zoning ordinances that would  
4 allow or prohibit commercial, industrial or retail uses in  
geographically specific portions of the municipality. The  
6 amendment also requires that notices of hearings be published 14  
days in advance rather than 7 days and requires that the notices  
8 be written in plain English, understandable to the average  
citizen.

10

12

(Senator CLEVELAND)

SPONSORED BY:

14

COUNTY: Androscoggin

16

Reproduced and Distributed Pursuant to Senate Rule 12.  
Reproduced and Distributed Pursuant to Senate Rule 12.  
(6/2/93) (Filing No. S-266)