

MAINE STATE LEGISLATURE

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127
RWS

DATE: 4/17/97

(Filing No. S-129)

NATURAL RESOURCES

Reported by: Senator Treat

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 258, L.D. 866, Bill, "An Act to Amend the Law Concerning Municipal Review and Regulation of Subdivisions"

Amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.'

Further amend the bill in section 1 by striking out all of subsection 1-A and inserting in its place the following:

'1-A. Joint meetings. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality shall--meet--jointly--to--discuss--the application. All meetings and hearings to review an application under section 4407 for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. In addition to other review criteria, the reviewing authorities shall consider and make a finding of fact regarding the criteria described in section 4404, subsection 19.

The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.'

PL 918

COMMITTEE AMENDMENT "A" to S.P. 258, L.D. 866

2 Further amend the bill by inserting after section 1 the
4 following:

6 'Sec. 2. 30-A MRSA §4404, sub-§17, as amended by PL 1991, c.
838, §13, is further amended to read:

8 17. Spaghetti-lots prohibited. If any lots in the proposed
10 subdivision have shore frontage on a river, stream, brook, great
12 pond or coastal wetland as these features are defined in Title
14 38, section 480-B, none of the lots created within the
subdivision have a lot depth to shore frontage ratio greater than
5 to 1; and

16 Sec. 3. 30-A MRSA §4404, sub-§18, as enacted by PL 1991, c.
838, §14, is amended to read:

18 18. Lake phosphorus concentration. The long-term
20 cumulative effects of the proposed subdivision will not
22 unreasonably increase a great pond's phosphorus concentration
during the construction phase and life of the proposed
subdivision; and

24 Sec. 4. 30-A MRSA §4404, sub-§19 is enacted to read:

26 19. Impact on adjoining municipality. For any proposed
28 subdivision that crosses municipal boundaries, the proposed
30 subdivision will not cause unreasonable traffic congestion or
32 unsafe conditions with respect to the use of existing public ways
in an adjoining municipality in which part of the subdivision is
located.'

34 Further amend the bill by inserting at the end before the
summary the following:

36
38 **FISCAL NOTE**

40 This bill requires additional joint meetings by municipal
42 reviewing authorities when a subdivision crosses municipal
44 boundaries. The additional costs of this state mandate are
46 expected to be minor. Pursuant to the mandate preamble, the 2/3
vote of all members elected to each House exempts the State from
the constitutional requirement to fund 90% of the additional
local costs.'

SUMMARY

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This amendment requires that, when any portion of a
4 subdivision crosses municipal boundaries, all meetings and
hearings to review the application for the subdivision or a
6 revision to the subdivision be held jointly by the reviewing
authorities from each municipality. The requirement may be
8 waived upon written agreement of the reviewing authorities.

10

The amendment also requires that, when reviewing a
subdivision that crosses municipal boundaries, the reviewing
12 authorities consider and make a finding of fact regarding whether
the proposed subdivision will cause unreasonable traffic
14 congestion or unsafe conditions with respect to the use of
existing public ways in an adjoining municipality in which part
16 of the subdivision is located. The amendment also adds a mandate
preamble and a fiscal note to the bill.