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STATE OF MAINE

Inter-Departmental Memorandum Date July 8, 1975

To Richard W Billings, Acting Exec.Dir. Dept. LURC

(Sarah Redfield, Staff Attorney *SR* Dept. Attorney General

Subject Interim Land Use Standards and District Boundaries

This is in response to your memorandum of June 10, 1975 in which you raised a question as to the time period during which the Land Use Regulation Commission's (LURC) interim land use standards would be effective. The interim land use standards will remain effective until they are superseded by the permanent land use standards and the district boundaries based on such permanent standards, or for 36 months from the date of adoption of interim land use district boundaries for a given area, whichever occurs first.

The Commission originally adopted its Standards for Interim Land Use District Boundaries and Permitted Uses on October 10, 1972. These standards established the criteria for the adoption of land use districts as well as the limits upon uses allowable in such districts or zones. The maps establishing interim land use district boundaries based on these standards were adopted in a series beginning with Block I, encompassing parts of Franklin and Somerset Counties on March 14, 1973 and ending with part of Aroostook County on May 1, 1975.

The statute provides that "Interim districts and land use standards shall be effective no more than 36 months from the date first adopted." 12 M.R.S.A. §685-A.6. For this section to be meaningful in the context of the fire planning and zoning scheme established by Chapter 206A of Title 12, the terms "interim districts" and "land use standards" must be read jointly, see generally 12 M.R.S.A. §§ 685-A.3, 685-A.6, 685-C. That is, for a given land area, the district boundaries and standards expire together 36 months from the date the maps indicating interim land use districts were originally adopted.* Unless these terms are so read, the standards would expire on October 10, 1975, almost five months prior to the end of the 36 month effective period for the maps of the first block and approximately two and a half years prior to the end of the effective period for the maps of the last block. Such expiration of the standards would leave the district boundaries theoretically "in effect", but actually without substantive value, for it is the standards which govern land uses in a particular zone. In order for the adoption of the standards, (governing the land use districts) and the subsequent adoption of the district boundaries to operate meaningfully coterminously, the 36 month period must run from the date of adoption of each map delineating the district boundaries.

*I would note in passing that this section refers to the date of original adoption, not the effective date, see 12 M.R.S.A. §685-A.6, compare §685-A.7.