

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
106TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "C" to S. P. 953, L. D. 2606,
Bill, "AN ACT to Correct Errors and Inconsistencies
in the Public Laws."

Amend said Bill by inserting after section 43
the following:

'Sec. 43-A. R. S., T. 12, §685-A, sub-§1, ¶D,
amended. Paragraph D of subsection 1 of section
685-A of Title 12 of the Revised Statutes, as enacted
by section 5 of chapter 457 of the public laws of
1971 and as amended by section 10 of chapter 569
of the public laws of 1973, is further amended to
read as follows:

D. Development districts: Areas discernible as
having ~~relatively-homogeneous~~ patterns of
intensive residential, recreational, commercial
or industrial use, or commercial removal of
minerals or other natural resources, and areas
appropriate for designation as development
districts when measured against the purpose,
intent and provisions of this chapter.

Sec. 43-B. R. S., T. 12, §685-A, sub-§8,
repealed and replaced. Subsection 8 of section
685-A of Title 12 of the Revised Statutes, as
enacted by section 5 of chapter 457 of the public
laws of 1971 and as amended by section 10 of
chapter 569 of the public laws of 1973, is repealed
and the following enacted in place thereof:

8. Amendments to district boundaries and
standards. The commission, of its own accord, may
initiate and any state or federal agency, or any
property owner or lessee, may petition for a change
in the boundary of any land use district or for
amendments to any land use standard.

The commission shall, within 45 days of receipt of
such petition, either approve the proposed amendment,
deny the proposed amendment or schedule a public
hearing thereon in the manner provided in
subsection 7.

(Filing No. §-429)
No change in a district boundary shall be approved,
unless there is substantial evidence that:

D. DE B.

A. The change would be consistent with the standards for district boundaries in effect at the time; the comprehensive land use plan; the purposes, intent and provisions of this chapter; and changes in conditions have made the present classification unreasonable.

No amendment to land use standards shall be approved, unless there is substantial evidence that:

A. The change would better serve the purpose, intent and provisions of this chapter and would be consistent with the comprehensive land use plan.

Sec. 43-C. R. S., T. 12, §685-A, sub-§10, repealed and replaced. Subsection 10 of section 685-A of Title 12 of the Revised Statutes, as enacted by section 5 of chapter 457 of the public laws of 1971 and as amended, is repealed and the following enacted in place thereof:

10. Special exceptions and variances. The commission may approve the issuance of a special exception permit in strict compliance with this chapter and the regulations and standards adopted pursuant thereto. The commission may grant a variance where the commission finds that strict compliance with the regulations and standards adopted by this commission would cause unusual hardship or extraordinary difficulties because of exceptional or unique conditions of topography, access, location, shape, size or other physical features of the site, that the proposed development is in keeping with the general spirit and intent of this chapter and the public interest is otherwise protected.

Statement of Fact

The purpose of this amendment is to clarify the amendment on special exception provision, to provide

(Filing M.S.-429)

greater administrative flexibility and to insure that the commission also has the power to grant variances.

(Tanous)
NAME: 
COUNTY: Penobscot

Reproduced and distributed pursuant to
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