

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 581

S. P. 177

In Senate, February 11, 1975

Referred to the Committee on Natural Resources. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Corson of Somerset by request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Concerning the Incorporation of New Towns.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are currently before the Legislature several pieces of proposed emergency legislation authorizing the incorporation of new towns; and

Whereas, enactment of those proposals will require towns to seek approval of the Land Use Regulation Commission; and

Whereas, it is the purpose of this Act to make approval by Land Use Regulation Commission unnecessary; and

Whereas, the purposes of this Act are fully furthered only if it applies to towns allowed to incorporate by this Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 12 MRSA § 685-A, sub-§ 4, 3rd ¶, as amended by PL 1973, c. 569, § 10, is further amended by adding at the end a new sentence to read:

The municipality may authorize the commission to prepare plans, maps, regulations and standards which, if adopted by the municipality, shall thereafter be administered and enforced by the municipality.

Sec. 2. 12 MRSA § 685-A, sub-§ 4, last 2 ¶¶, as enacted by PL 1973, c. 569, § 10, are repealed as follows:

The voters in any unorganized area which hereafter becomes or is authorized to become an incorporated city or town shall, prior to the effective date of its incorporation, submit to the commission and receive the approval of the commission of the following:

- A. A comprehensive land use plan for such proposed city or town;
- B. Standards for determining land use district boundaries and uses permitted within such districts in such proposed city or town;
- C. A land use district boundary map for proposed city or town;
- D. Such other proposed regulations or standards as the commission deems to be necessary to achieve the purpose, intent and provisions of this chapter; and
- E. Upon request by 10 or more residents of such proposed city or town, the commission shall prepare such plans, maps, regulations and standards as it may deem necessary to meet minimum planning and zoning standards for its approval thereof

The effective date of incorporation of any such proposed city or town shall be automatically deferred until such time as the proposed city or town has obtained the foregoing approval and upon such approval, and upon the effective date of incorporation, the city or town shall thereafter adopt, administer and enforce such plans, maps, regulations and standards

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Under current law, the Maine Land Use Regulation Commission exercises a veto power over the incorporation of new towns. This change will allow towns to incorporate and exercise those powers inherent to an incorporated municipality, with the exception of the power of Land Use Planning until such time as the municipality prepares a plan which is approved by the Land Use Regulation Commission.