

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 850**

H. P. 675

House of Representatives, February 27, 1975

Referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Faucher of Solon.

Cosponsor: Mr. Powell of Wallagrass Plantation.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**AN ACT to Facilitate the Entrance of Municipalities into the Federal  
Flood Insurance Program.**

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

**Sec. 1.** 12 MRSA § 4812-A, 2nd ¶, as enacted by PL 1973, c. 564, § 4, is amended to read:

Zoning ordinances and amendments adopted pursuant to in compliance with this chapter shall be pursuant to and consistent with a comprehensive plan adopted by the municipality, in those municipalities which have adopted a comprehensive plan. No such zoning ordinance or amendment shall be invalid because of the absence of a comprehensive plan adopted by the municipality notwithstanding the provisions of Title 30, section 4962 to the contrary.

**Sec. 2.** 12 MRSA § 4812-B is enacted to read:

§ 4812-B. Federal flood insurance

Notwithstanding any other provision of this chapter, or provision of any regulations adopted thereunder, municipalities and plantations may extend zoning ordinances adopted in compliance with this chapter beyond the limits established under this chapter, even though such municipality or plantation has not adopted a zoning ordinance which covers all of the land and water area of the town or plantation, as otherwise required under Title 30, section 4962, when such action will facilitate the entrance of the municipality or plantation into the Federal Flood Insurance Program.

Ordinances or amendments adopted by authority of this section shall not cover a land or water area greater than that necessary to comply with the requirements of the Federal Flood Insurance Program.

#### STATEMENT OF FACT

This legislation is designed to facilitate the entrance of Maine municipalities into the Federal Flood Insurance Program by allowing municipalities to pass zoning ordinances which deal only with the required areas and which are not necessarily pursuant to and consistent with a comprehensive plan.

This program requires H.U.D. to prepare maps which outline the flood-prone areas in each municipality. In order to qualify for the program, municipalities must regulate construction within these areas. Ordinances designed to deal only with these areas may be zoning in nature. As such, they may be of questionable legality unless they are based on a comprehensive plan and unless they deal with the entire town.

Municipalities would find it considerably easier to meet the requirements of the program if the State would sanction ordinances which deal only with the flood hazard areas, and if the State made it clear that such ordinances did not have to be based on a comprehensive plan.