

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1029

H. P. 828

House of Representatives, March 5, 1979

On Motion of Mr. LaPlante of Sabattus, referred to the Committee on Local and County Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT to Bring the Definition and Use of Local "Comprehensive Plan" into
Conformity with Local Planning Requirements.**

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

Sec. 1. 30 MRSA § 4961, sub-§ 1, 2nd sentence, as enacted by PL 1971, c. 455, § 2, is repealed as follows:

~~The comprehensive plan, being as much a process as a document capable of distribution, may at successive stages consist of data collected, preliminary plans, alternative action proposals and finally as a comprehensive plan to be adopted~~

Sec. 2. 30 MRSA § 4961, sub-§ 1, as amended by PL 1973, c. 536, §§ 16 and 17, is further amended by adding at the end the following new sentence:

The comprehensive plan shall take into consideration the existing and foreseeable housing needs of residents of the local community and the regional housing market area to the extent of a reasonable fair share of those housing needs.

Sec. 3. 30 MRSA § 4962, sub-§ 1, ¶ A, as amended by PL 1973, c. 536, § 19, is further amended to read:

A. Such ordinance or provision shall be pursuant to ~~and~~, consistent with **and substantiated by a comprehensive plan adopted by its legislative body **prior to the adoption of the ordinance or provision.****

Sec. 4. 30 MRSA § 4962, sub-§ 1, ¶I is enacted to read:

I. Ordinances restricting the number of building permits granted by a municipality in any one year or portion thereof shall be construed to be zoning ordinances. This paragraph does not preclude a municipality from adopting a temporary moratorium, not to exceed one year, on residential building permits for the purpose of preparing or revising a comprehensive plan.

STATEMENT OF FACT

This bill clarifies the existing requirement that the comprehensive plan is a tangible document that shall be approved by the legislative body to substantiate the constitutionality of conditions and constraints imposed on local property owners by zoning ordinances.

This bill also provides that municipalities shall take into consideration their fair share of regional housing needs when preparing comprehensive plans and zoning ordinances.

This bill further provides that restrictions on the number of building permits to be issued by a town in any one year shall be construed to be zoning ordinances, with the exception of temporary mortoria enacted to allow municipalities time to prepare or revise comprehensive plans.