

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 215

6  
7 S.P. 84

In Senate, January 18, 1983

8 Received by the Secretary of the Senate on January 18, 1983. Referred to  
9 the Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

11 Presented by Senator Twitchell of Oxford.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT Requiring the Attorney  
18 General to Seek the Amendment of or  
19 Judicial Review of any Exclusionary Land  
20 Use Controls.  
21

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

24 5 MRSA §196-A is enacted to read:

25 §196-A. Exclusionary land use control

26 Notwithstanding any other provision of law,  
27 including Title 30, sections 4956 to 4964, the Attor-  
28 ney General shall receive complaints that a legally  
29 permissible housing alternative is being excluded by  
30 municipal plans, land use control ordinances or  
31 administrative procedures. Complaints may be brought  
32 to the Attorney General's attention by any Assistant  
33 Attorney General, district attorney, state agency,

1 would-be housing developer, 10 residents of any town,  
2 a resident or nonresident tenant's union or other  
3 low-income housing association or by Pine Tree Legal  
4 Assistance Incorporated. The Attorney General shall  
5 have 3 months to examine each complaint and determine  
6 the validity or invalidity of the allegations. If a  
7 complaint is determined to be valid, the Attorney  
8 General shall, within 6 months of that determination,  
9 seek to have the offending municipal action, which  
10 precludes or severely limits the establishment of a  
11 legally permissible housing alternative, changed or  
12 amended. If the Attorney General fails in this  
13 effort, he shall immediately bring suit in the appro-  
14 priate Superior Court to overturn the offending plan,  
15 ordinance or procedure. In any suit brought by the  
16 Attorney General, pursuant to these provisions in  
17 which the Attorney General prevails, either by judg-  
18 ment or default, the relief afforded by the court  
19 shall include the issuance of any necessary building  
20 permits or approvals sought by any private complain-  
21 ant. The Attorney General may issue such regulations  
22 as are necessary to fully implement this section.

23 STATEMENT OF FACT

24 This bill enables the Attorney General to seek  
25 the amendment or judicial review of exclusionary land  
26 use controls imposed by subdivisions of the State, in  
27 order that such controls not exclude otherwise  
28 legally permissible housing alternatives.

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