

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2209

H.P. 1616 House of Representatives, February 9, 1988 Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on State and Local Government suggested and ordered printed.

EDWIN H. PERT, Clerk Presented by Representative RAND of Portland. Cosponsored by Senator MATTHEWS of Kennebec and Representative CONLEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-EIGHT

1 2 3	AN ACT Relating to the Direct Initiative Process.
4 5	Be it enacted by the People of the State of Maine as follows:
6 7	1 MRSA §302, as repealed and replaced by PL 1973, c. 146, is amended to read:

8 §302. Construction and effect of repealing Acts

Page 1-LR4338

1 This section is a rule of construction only, not a rule of law, and as such is applicable to Acts and 2 3 resolves of the Legislature, municipal ordinances and initiated ordinances. The repeal of an Act, resolve or municipal ordinance passed after the 4th day of 4 5 March, 1870, does not revive any statute or ordinance 6 7 in force before the Act, resolve or ordinance took effect. The repeal of an Act or ordinance does not 8 affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any action or proceeding pending at the time of the repeal, for an offense committed or for recovery of a penalty or 9 10 11 12 13 forfeiture incurred under the Act or ordinance repealed. Actions and proceedings pending at the time of the passage or repeal of an Act or ordinance are not affected thereby. In any situation involving the 14 15 16 development or redevelopment of land, "pending" means in actual possession of all required approvals and permits necessary to undertake development or 17 18 19 redevelopment. For the purposes of this section, a 20 proceeding shall include but not be limited to 21 petitions or applications for licenses or permits 22 23 required by law at the time of their filing.

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STATEMENT OF FACT

The purpose of this bill is to clarify that pending" means having obtained all necessary approvals for development and redevelopment. Many interpretations of the current section assume that filing of a development application makes the project pending" and therefore immune from changes in the law or ordinance under which the application was filed.

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Page 2-LR4338