MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 562

S.P. 232

In Senate, March 6, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator PEARSON of Penobscot.

Cosponsored by Representative HICHBORN of LaGrange and Representative CAHILL of Mattawamkeag.

STATE OF MAINE

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

An Act to Establish Criteria for Adopting a Moratorium in Maine's Unorganized Territories.

(EMERGENCY)



3	become effective until 90 days after adjournment unless enacted
3	as emergencies; and
5	Whereas, emergencies arise from time to time which pose an immediate threat to public health and safety and to the
7	environment; and
9	Whereas, the authority of the Maine Land Use Regulation Commission to impose a moratorium on development is not clear; and
11	
13	Whereas, development pressures in Maine's unorganized territories have reached unprecedented levels threatening
15	sensitive environmental resources; and
13	Whereas, moratoria have proven to be an essential land use
17	management tool to allow regulatory bodies the opportunity to effectively plan for the future; and
19	·
21	Whereas, a lack of clear authority of the Maine Land Use Regulation Commission to adopt moratoria frustrates the ability of State Government to fulfill its responsibility to ensure the
23	public health, safety and welfare and may lead to irreparable damage to the natural resources of the unorganized territories;
2 5	and
27	Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of
29	Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and
31	safety; now, therefore,
33	
	Be it enacted by the People of the State of Maine as follows:
35	Be it enacted by the People of the State of Maine as follows: Sec. 1. 12 MRSA §682, sub-§8-A is enacted to read:
35 37	Sec. 1. 12 MRSA §682, sub-§8-A is enacted to read: 8-A. Moratorium. "Moratorium" means a land use regulation
	Sec. 1. 12 MRSA §682, sub-§8-A is enacted to read: 8-A. Moratorium. "Moratorium" means a land use regulation or ordinance approved by the commission or a municipal legislative body which temporarily defers or delays development
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1	(1) To prevent the shortage or overburdening of public facilities which would otherwise occur during the
3	effective period of the moratorium or which is
5	reasonably foreseeable as a result of any proposed or anticipated development; or
7	(2) Because the application of existing comprehensive plans, land use or zoning regulations or other
9	applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or
11	industrial development in the affected geographic area.
13	B. The moratorium must be of a definite term not to exceed 180 days except that the moratorium may be extended for
15	additional 180-day periods provided that the commission:
17	(1) Finds that the problem creating the need for a moratorium still exists; and
19	
21	(2) Finds that reasonable progress is being made to alleviate the problem creating the need for a moratorium.
23	moracorrum.
25	C. Any organized town or plantation which has petitioned the commission to remove that town or plantation from the
25	jurisdiction of the Maine Land Use Regulation Commission in
27	compliance with section 685-A, subsection 4, may, through a town meeting, vote to adopt a moratorium to provide a period
29	of time for the town or plantation to adopt a local
31	comprehensive plan and zoning ordinance and to establish a municipal reviewing authority. The moratorium must be in
J1	compliance with paragraphs A and B. The municipal officers
33	may extend the moratorium pursuant to paragraph B after
0.5	notice and hearing.
35	Emergency clause. In view of the emergency cited in the
37	preamble, this Act shall take effect when approved.
39	STATEMENT OF FACT
41	DIAIDIAIDIAI OL LACI
	This bill establishes criteria for the adoption of a
43	development moratorium by the Maine Land Use Regulation Commission that are the equivalent of the criteria now in effect
45	for municipalities. It also establishes criteria for the
4 7	adoption of a moratorium by an organized town or plantation
47	seeking to remove itself from the jurisdiction of the Maine Land Use Regulation Commission.

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