

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.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

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)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 Whereas, emergencies arise from time to time which pose an
6 immediate threat to public health and safety and to the
7 environment; and

9 Whereas, the authority of the Maine Land Use Regulation
10 Commission to impose a moratorium on development is not clear; and
11

13 Whereas, development pressures in Maine's unorganized
14 territories have reached unprecedented levels threatening
15 sensitive environmental resources; and

17 Whereas, moratoria have proven to be an essential land use
18 management tool to allow regulatory bodies the opportunity to
19 effectively plan for the future; and

21 Whereas, a lack of clear authority of the Maine Land Use
22 Regulation Commission to adopt moratoria frustrates the ability
23 of State Government to fulfill its responsibility to ensure the
24 public health, safety and welfare and may lead to irreparable
25 damage to the natural resources of the unorganized territories;
and

27 Whereas, in the judgment of the Legislature, these facts
28 create an emergency within the meaning of the Constitution of
29 Maine and require the following legislation as immediately
30 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 **Sec. 1. 12 MRSA §682, sub-§8-A is enacted to read:**

37 8-A. Moratorium. "Moratorium" means a land use regulation
38 or ordinance approved by the commission or a municipal
39 legislative body which temporarily defers or delays development
40 by withholding authorization or approval necessary for
41 development.

43 **Sec. 2. 12 MRSA §685-B, sub-§10 is enacted to read:**

45 10. Moratorium. The commission may adopt a moratorium on
46 the processing or issuance of development permits within its
47 jurisdiction. Any moratorium adopted by the commission must meet
48 the following requirements.

49 A. The moratorium must be necessary:
50

51

