MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1182

H.P. 850

House of Representatives, April 13, 1989

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

EDWIN H. PERT, Clerk

Presented by Representative ROLDE of York.

STATE OF MAINE

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

An Act to Reinstate Certain Preexisting Development Applications.



3	1 MRSA §303 is enacted to read:
5	§303. Applicability to applications pending before August 1988
7	The provisions of section 302 apply to any action or proceeding which was pending and had received substantive review
9	prior to August 1, 1988, as long as the substantive review had occurred prior to the first official public notice or hearing for
11	any proposed amendment or repeal of any Act, resolve or ordinance which would affect the action or proceeding.
13	which would allect the action of proceeding.
15	STATEMENT OF FACT
17	
19	The Law Court recently decided in <u>City of Portland v.</u> <u>Fisherman's Wharf Associates II</u> , 541 A.2d 160 (Me. 1988) that applications which are pending and under review at the time a law
21	or ordinance is proposed, but which have not received final approval before passage of the law or ordinance, do not have
23	vested rights which are preserved. This bill would retroactively vest development rights for applications which were pending and
25	had received substantive review, but not final approval, before August 1, 1988.

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