

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1433, L.D. 2001, Bill, "An Act Regarding Maine Land Use Regulation Commission Requirements"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, published notice of proposed land use zoning changes would make the Maine Land Use Regulation Commission's operations more efficient while reducing mailing costs; and

Whereas, landowners will continue to be notified in situations when a small number of parcels of land are affected by agency rule changes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

12 MRSA §685-A, sub-§7, as amended by PL 1979, c. 497, §3, is further amended to read:

7. Hearings and procedures. Within 45 days after the proposed land use district boundaries or standards are prepared or received by the commission, the commission shall hold a public hearing at a time and place convenient to persons affected by the proposal.

At least 45 days prior to holding a public hearing on proposed land use district boundaries, the commission shall give notice of the hearing to the owners of directly affected lands by mail, according to their names and addresses as shown on the records of

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2 the Bureau of Taxation and plantation tax assessors or, if the
3 number of owners of directly affected lands is more than 50, by
4 publication as specified in this subsection.

6 That notice shall must state a citation of the statutory
7 authority under which the maps or standards are proposed to be
8 adopted, the purpose, time and place of the hearing, the time and
9 place where copies of the proposed maps or standards may be
10 inspected or obtained prior to the hearing, and the manner and
11 time within which comments may be submitted to the commission for
12 consideration.

14 At least 30 days prior to all hearings held under this
15 subsection, notices shall must be sent to appropriate state and
16 federal agencies. Public notice shall must be given by 3
17 publications in ~~the state paper and such other daily papers~~ a
18 newspaper of general circulation published in the State ~~as is~~
19 ~~determined will~~ to bring the proposals to the attention of
20 interested parties; the date of the first publication to be at
21 least 30, and the last publication to be at least 3, days prior to
22 the hearing.

24 At hearings, interested owners, lessees, officials, agencies and
25 individuals may appear and be heard. They ~~shall further be~~ are
26 allowed at least 15 days following the public hearing to file
27 written statements with the commission. Except as provided in
28 this chapter, any hearings required or authorized under this
29 subsection or subsection 8 shall must be conducted in accordance
30 with the requirements for ~~rule-making~~ rulemaking set forth in
31 Title 5, chapter 375, subchapter II; provided that the
32 requirements of Title 5, section 8052, subsection 5, section
33 8056, subsections 1, 3 and 4 and section 8057, subsection 2,
34 shall do not apply to these procedures.

36 The commission, acting in accordance with Title 5, chapter 375,
37 subchapter II, shall adopt, and may amend and repeal, rules for
38 the conduct of public hearings held under this section, including
39 adjournments and continuations ~~thereof~~ of those hearings. A
40 complete verbatim recording shall must be made of all hearings
41 held pursuant to this section.

42 The land use district boundaries or standards shall must be
43 adopted within 45 days from final adjournment of the hearing.

44 Land use maps and standards so adopted shall become effective 15
45 days after their adoption by the commission, provided the
46 applicable requirements of the Maine Administrative Procedure
47 Act, as modified by this chapter, are met, and provided the maps
48 and standards are available in the appropriate registry of deeds
49 for each county. Notice of this adoption of land use maps,
50 standards or amendments ~~thereto~~ to those maps or standards
51 must be given by publication once in those newspapers in which

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2 notice to the public is provided for under this subsection.
3 Notice of this adoption shall must also be filed with the
4 Secretary of State indicating, in addition, that current copies
5 of land use maps and standards are on file in the commission's
6 offices and the method by which copies may be obtained.

7 Permanent land use standards so adopted shall ~~be~~ are effective
8 immediately, but shall must be submitted to the next regular or
9 special session of the Legislature for approval or modification.
10 If the Legislature fails to act, such standards shall continue in
11 full force and effect.

12 **Emergency clause.** In view of the emergency cited in the
13 preamble, this Act takes effect when approved.

14

15 **FISCAL NOTE**

16

17 It is anticipated that this bill would result in a possible
18 cost avoidance to the Department of Conservation, Maine Land Use
19 Regulation Commission, concerning direct mail costs for which
20 funds were never budgeted.'

21

22

23 **STATEMENT OF FACT**

24

25 This amendment adds an emergency preamble, an emergency
26 clause and a fiscal note to the bill and removes the requirement
27 that the Maine Land Use Regulation Commission directly notify
28 every affected landowner of changes in zoning boundaries when
29 there are more than 50 landowners. A number of technical changes
30 are made to the statutory language as well.
31
32

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
1/29/90 (Filing No. H-749)