

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2001

H.P. 1433

House of Representatives, December 19, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Clerk of the House on December 19, 1989. Referred to the Committee on Energy and Natural Resources and 1600 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Speaker MARTIN of Eagle Lake.

Cosponsored by Representative MICHAUD of East Millinocket and Senator BERUBE of Androscoggin.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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**An Act Regarding Maine Land Use Regulation Commission  
Requirements.**

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

2  
4           12 MRSA §685-A, sub-§7, as amended by PL 1979, c. 497, §3,  
is further amended to read:

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

12           At least 45 days prior to holding a public hearing on proposed  
14 land use district boundaries, the commission shall give notice of  
the hearing to the owners of directly affected lands by mail,  
16 ~~according to their~~ publication in at least 2 newspapers of  
general circulation in the State listing the names and addresses  
as shown on the records of the Bureau of Taxation and plantation  
18 tax assessors.

20           That notice shall state a citation of the statutory authority  
22 under which the maps or standards are proposed to be adopted, the  
purpose, time and place of the hearing, the time and place where  
24 copies of the proposed maps or standards may be inspected or  
obtained prior to the hearing, and the manner and time within  
26 which comments may be submitted to the commission for  
consideration.

28           At least 30 days prior to all hearings held under this  
30 subsection, notices shall be sent to appropriate state and  
federal agencies. Public notice shall be given by 3 publications  
32 in the state paper and such other daily papers published in the  
State as is determined will bring the proposals to the attention  
34 of interested parties; the date of the first publication to be at  
least 30, and the last publication to be a least 3, days prior to  
the hearing.

36           At hearings, interested owners, lessees, officials, agencies and  
38 individuals may appear and be heard. They shall further be  
allowed at least 15 days following the public hearing to file  
40 written statements with the commission. Except as provided in  
this chapter, any hearings required or authorized under this  
42 subsection or subsection 8 shall be conducted in accordance with  
the requirements for ~~rule-making~~ rulemaking set forth in Title 5,  
44 chapter 375, subchapter II; provided that the requirements of  
Title 5, section 8052, subsection 5, section 8056, subsections 1,  
46 3 and 4 and section 8057, subsection 2, shall not apply to these  
procedures.

48           The commission, acting in accordance with Title 5, chapter 375,  
50 subchapter II, shall adopt, and may amend and repeal, rules for  
the conduct of public hearings held under this section, including  
52 adjournments and continuations thereof. A complete verbatim

2 recording shall be made of all hearings held pursuant to this  
3 section.

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

6  
7 Land use maps and standards so adopted shall become effective 15  
8 days after their adoption by the commission, provided the  
9 applicable requirements of the Maine Administrative Procedure  
10 Act, as modified by this chapter, are met, and provided the maps  
11 and standards are available in the appropriate registry of deeds  
12 for each county. Notice of this adoption of land use maps,  
13 standards or amendments thereto shall be given by publication  
14 once in those newspapers in which notice to the public is  
15 provided for under this subsection. Notice of this adoption shall  
16 also be filed with the Secretary of State indicating, in  
17 addition, that current copies of land use maps and standards are  
18 on file in the commission's offices and the method by which  
19 copies may be obtained.

20  
21 Permanent land use standards so adopted shall be effective  
22 immediately, but shall be submitted to the next regular or  
23 special session of the Legislature for approval or modification.  
24 If the Legislature fails to act, such standards shall continue in  
25 full force and effect.

## 28 STATEMENT OF FACT

30 This bill allows the Maine Land Use Regulation Commission to  
31 notify potentially affected persons about hearings on proposals  
32 by means of notices in the newspaper.