

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1709, L.D. 2358, Bill, "An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission"

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

Sec. 1. 12 MRSA §685-A, sub-§7, as amended by PL 1989, c. 624, 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 ~~30~~ days prior to holding a public hearing on proposed land use district boundaries, the commission shall give notice of the hearing to appropriate state and federal agencies and the owners of directly affected lands by mail, according to their names and addresses as shown on the records of the Bureau of Taxation and plantation tax assessors or, if the number of owners of directly affected lands is more than 50, by publication as specified in this subsection.

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

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2 ~~At least 30 days prior to all hearings held under this~~
3 ~~subsection, notices must be sent to appropriate state and federal~~
4 ~~agencies. Public Notwithstanding Title 5, section 8053, public~~
5 notice must be given by ~~3~~ 2 publications in a newspaper of
6 general circulation published ~~in the State in the area of the~~
7 proposed change to bring the proposals to the attention of
8 interested parties, the date of the first publication to be at
9 least ~~30,~~ 17 to 24 days prior to the hearing and the last
10 publication to be at least 3, days prior to the hearing.

11 At hearings, interested owners, lessees, officials, agencies and
12 individuals may appear and be heard. They are allowed at least ~~15~~
13 10 days following after the close of the public hearing, or
14 within such longer time period as the commission may direct, to
15 file written statements with the commission. Except as provided
16 in this chapter, any hearings required or authorized under this
17 subsection or subsection 8 must be conducted in accordance with
18 the requirements for rulemaking set forth in Title 5, chapter
19 375, subchapter II; provided that the requirements of Title 5,
20 section 8052, ~~subsections~~ subsections 5, 5-A and 7, section
21 8053-A, section 8056, subsections 1, 3 and 4 and, section 8056-A,
22 section 8057, subsection 2, sections 8057-A, 8060 and 8062 do not
23 apply to these procedures.

24 The commission, acting in accordance with Title 5, chapter 375,
25 subchapter II, shall adopt, and may amend and repeal, rules for
26 the conduct of public hearings held under this section, including
27 adjournments and continuations of those hearings. A complete
28 verbatim recording must be made of all hearings held pursuant to
29 this section.

30 The land use district boundaries or standards must be adopted
31 within ~~45~~ 60 days from final adjournment of the hearing.

32 Land use maps and standards so adopted become effective 15 days
33 after ~~their~~ adoption by the commission, provided the applicable
34 requirements of the Maine Administrative Procedure Act, Title 5,
35 chapter 375, as modified by this chapter, are met, and provided
36 the maps and standards are available in the appropriate registry
37 of deeds for each county. Notice of this adoption of land use
38 maps, standards or amendments to those maps or standards must be
39 given by publication ~~once~~ one time in those newspapers in which
40 notice to the public is provided for under this subsection.
41 Notice of this adoption must also be filed with the Secretary of
42 State indicating, in addition, that current copies of land use
43 maps and standards are on file in the commission's offices and
44 the method by which copies may be obtained.

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2 Permanent land use standards so adopted are effective
3 immediately, but must be submitted to the next regular or special
4 session of the Legislature for approval or modification. If the
5 Legislature fails to act, such standards continue in full force
6 and effect.

8 Sec. 2. 12 MRSA §685-B, sub-§2-B, as enacted by PL 1989, c.
9 584, §2, is amended to read:

10

11 2-B. Determination deadline. The commission shall render
12 its determination on any an application for subdivision approval
13 within 60 days after the commission receives determines that the
14 application is complete and the proposal is a permitted use
15 within the affected district or subdistrict.

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FISCAL NOTE

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21 Enactment of this bill would result in a cost savings to the
22 Maine Land Use Regulation Commission in an amount which can not
23 be determined. The cost savings would occur due to the
24 anticipated reduction in the number of newspaper notices that
25 would be published for zone changes. Despite the uncertainty of
26 the cost savings, the amount is expected to be insignificant.'

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STATEMENT OF FACT

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31 This amendment incorporates recent changes in law with the
32 proposed changes in the original bill. It also adds a fiscal
note.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
3/26/90 (Filing No. H-990)