

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2358

H.P. 1709

House of Representatives, February 23, 1990

Submitted by the Department of Conservation pursuant to Joint Rule 24.
Reference to the Committee on Energy and Natural Resources suggested and
ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Representative ANDERSON of Woodland and Representative
COLES of Harpswell.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

**An Act to Amend the Laws Administered by the Maine Land Use
Regulation Commission.**



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

2

4 **Sec. 1. 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
10 or received by the commission, the commission shall hold a public
hearing at a time and place convenient to persons affected by the
proposal.

12 At least 45 ~~30~~ days prior to holding a public hearing on proposed
14 land use district boundaries, the commission shall give notice of
the hearing to appropriate state and federal agencies and the
16 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.

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

26 ~~At least 30 days prior to all hearings held under this~~
28 ~~subsection, notices shall be sent to appropriate state and~~
~~federal agencies. Public~~ Notwithstanding Title 5, section 8053,
30 public notice shall must be given by ~~3~~ 2 publications in the
32 ~~state paper~~ a newspaper of general circulation in the affected
district and such other daily papers published in the State as is
34 determined will bring the proposals to the attention of
interested parties; the date of the first publication to be at
36 ~~least 30,~~ 17 to 24 days and the last publication to be a- at
least ~~3,~~ days prior to the hearing.

38 At hearings, interested owners, lessees, officials, agencies and
40 individuals may appear and be heard. They shall further be
allowed at least ~~15~~ 10 days ~~following~~ after the close of the
42 public hearing, or within such longer time period as the
commission may direct, to file written statements with the
commission. Except as provided in this chapter, any hearings
44 required or authorized under this subsection or subsection 8
shall must be conducted in accordance with the requirements for
46 ~~rule-making~~ rulemaking set forth in Title 5, chapter 375,
subchapter II; provided that the requirements of Title 5, section
48 8052, ~~subsection~~ subsections 5, 5-A and 7, section 8053-A,
section 8056, subsections 1, 3 and 4 and, section 8056-A, section
50 8057, subsection 2, shall sections 8057-A, 8060 and 8062 do not
apply to these procedures.

2 The commission, acting in accordance with Title 5, chapter 375,
4 subchapter II, shall adopt, and may amend and repeal, rules for
6 the conduct of public hearings held under this section, including
adjourments and continuations thereof. A complete verbatim
recording shall must be made of all hearings held pursuant to
this section.

8 The land use district boundaries or standards shall must be
10 adopted within 45 60 days from final adjournment of the hearing.

12 Land use maps and standards so adopted shall become effective 15
14 days after ~~their~~ adoption by the commission, provided the
16 applicable requirements of the Maine Administrative Procedure
18 Act, Title 5, chapter 375, as modified by this chapter, are met,
and provided the maps and standards are available in the
appropriate registry of deeds for each county. Notice of this
adoption of land use maps, standards or amendments thereto shall
must be given by publication ~~once~~ one time in those newspapers in
which notice to the public is provided for under this subsection.
20 Notice of this adoption shall must also be filed with the
22 Secretary of State indicating, in addition, that current copies
of land use maps and standards are on file in the commission's
offices and the method by which copies may be obtained.

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

30 **Sec. 2. 12 MRSA §685-B, sub-§2-B**, as enacted by PL 1989, c.
32 584, §2, is amended to read:

34 **2-B. Determination deadline.** The commission shall render
36 its determination on ~~any~~ an application for subdivision approval
within 60 days after the commission ~~receives~~ determines that the
38 application is complete and the proposal is a permitted use
within the affected district or subdistrict.

42 STATEMENT OF FACT

44 This bill updates the provisions of the Maine Revised
46 Statutes, Title 12, with respect to changes in the Maine Land Use
Regulation Commission (LURC) district boundaries and standards
48 and certain provisions of Title 5. Because changes in districts,
zoning changes, and resulting zoning maps are considered
rulemaking, some of the 1989 changes to Title 5 are not relevant
50 to LURC zoning requirements. The bill amends the provisions of
Title 12 relating to zoning. These changes are consistent with

2 the LURC provisions for zoning that existed prior to the recent
changes to Title 5.

4 These changes streamline the administration of the 25 to 30
6 zoning petitions received by LURC each year.

8 The bill also modifies the current provision that specifies
a 60-day deadline for processing subdivision applications. The
10 60-day deadline is retained while clarifying that the deadline
applies to applications completed and ready for processing and
12 applications for subdivisions where the proposal is located in a
permitted zone. Most proposals for subdivisions currently
14 require a zone change to a development district and a subdivision
cannot be approved until that zone change has been approved.
16 This provision allows LURC to handle the zoning petitions and
subdivisions in a coordinated manner, without having to decide a
18 subdivision application prematurely in order to meet the
statutory deadline.