

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

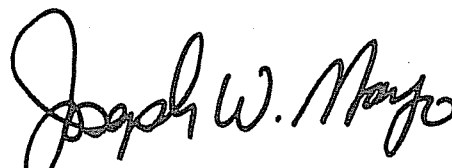
No. 1173

H.P. 864

House of Representatives, April 5, 1993

**An Act Related to the Adoption of Municipal Ordinances and
Comprehensive Plans and to Revise Notice Requirements for Certain
Zoning Changes.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative SULLIVAN of Bangor.

Cosponsored by Representatives: AHEARNE of Madawaska, CARR of Sanford, CLARK of Millinocket, DUTREMBLE of Biddeford, GOULD of Greenville, HICHBORN of Howland, JOSEPH of Waterville, KERR of Old Orchard Beach, KILKELLY of Wiscasset, LORD of Waterboro, MORRISON of Bangor, STROUT of Corinth, VIGUE of Winslow, YOUNG of Limestone, Senator: ESTY of Cumberland.

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

Sec. 1. 30-A MRSA §3002, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. **Posted.** The proposed ordinance must be attested and posted in the manner provided for town meetings. If a proposed ordinance or comprehensive plan exceeds 10 pages in length, it is sufficient to satisfy this posting requirement that the warrant and the warrant article related to the adoption of the ordinance or plan includes a statement that copies of the text of the ordinance or plan and map, if any, are available from the town clerk.

Sec. 2. 30-A MRSA §3003, sub-§2, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. At least ~~3~~ one copy of the code, portion or amendment, ~~which that~~ is incorporated or adopted by reference, ~~shall must~~ be filed in the office of the municipal clerk and kept there available for public use, inspection and examination. The required ~~copies~~ copy of the codes, portion or amendment or public record must be filed with the municipal clerk for 30 days before the adoption of the ordinance which ~~that~~ incorporates the code, portion or amendment by reference.

Sec. 3. 30-A MRSA §4352, sub-§9, as enacted by PL 1991, c. 504, §2, is repealed.

STATEMENT OF FACT

This bill authorizes alternatives to posting copies of lengthy documents and legal zoning maps and reduces the number of copies that a municipality must purchase from 3 to one because of the cost to the municipality of purchasing multiple copies.

This bill also reverses a 1991 change in the law that required municipalities to give extensive individual notice of most zoning changes. This section has proved complex and costly for municipalities to administer. It has been interpreted to apply broadly to initial zoning, shoreland zoning changes and changes in comprehensive plans. Repealing this provision does not eliminate all notice requirements for zoning; municipalities are required to give the public an adequate opportunity to be heard in the preparation, revision and amendment of zoning ordinances. Municipalities are also subject to additional statutory notice requirements for the adoption of any ordinances, including zoning ordinances. Individual charters and zoning ordinances may provide additional requirements.