

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1866

H.P. 1379


House of Representatives, February 14, 1994

An Act to Amend the Charter of the Northport Village Corporation.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LINDAHL of Northport.
Cosponsored by Senator GOULD of Waldo.

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

Whereas, Public Law 1987, chapter 737, Part A, section 2, as
amended by Public Law 1989, chapter 104, Part A, section 52,
granting planning and land use regulation authority to village
corporations, has been subject to challenges with respect to
interpretation; and

Whereas, it is desirable that the authority of the Northport
Village Corporation to enact and enforce planning and land use
regulation ordinances be clarified; and

Whereas, an amendment to the charter of the Northport
Village Corporation is required to ensure that the power of the
corporation to enact and enforce planning and land use regulation
ordinances continues unabated; 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:

Sec. 1. P&SL 1915, c. 136, §§4-A, 4-B, 4-C, 4-D, 4-E, 19 and 20 are
enacted to read:

Sec. 4-A. Notwithstanding any statutory provision, Northport
Village Corporation has the same powers as possessed by a
municipality to enact and enforce land use regulation ordinances
including, but not limited to, zoning ordinances and
comprehensive plans.

Sec. 4-B. The enactment of or amendment to a comprehensive
plan or land use zoning ordinance must be made by a general or
special meeting of the Northport Village Corporation by those
qualified to vote in accordance with the voting rights
established under the corporation's charter. Notice of the time
and location of any meeting of the corporation must be posted in
a conspicuous public place within the territorial limits of the
Northport Village Corporation in the time period and in the
manner as is provided in the Maine Revised Statutes, Title 30-A,
chapter 121.

Sec. 4-C. Notwithstanding the Maine Revised Statutes, Title
30-A, when a conflict exists between a comprehensive plan or land
use regulation ordinances of the Town of Northport and a

2 comprehensive plan or land use regulation ordinance of the
3 Northport Village Corporation, the more restrictive takes
4 precedence.

6 Sec. 4-D. Notwithstanding the Maine Revised Statutes, Title
7 30-A, the Northport Village Corporation has the same powers
8 possessed by a municipality to enact and enforce a building code,
9 including setting standards regulating the construction of
10 buildings and other structures.

12 Sec. 4-E. Notwithstanding the Maine Revised Statutes, Title
13 30-A, when a conflict exists between a provision of a building
14 code adopted by the Northport Village Corporation and a provision
15 of a building code adopted by the Town of Northport, the more
16 restrictive provision prevails.

18 Sec. 19. The provisions provided in sections 4-A to 4-E of
19 this Act may not be construed as limiting the powers of the
20 Northport Village Corporation as provided by charter provision,
21 statute or Maine case law.

22 Sec. 20. Any land use regulation ordinance or comprehensive
23 plan previously adopted by the Northport Village Corporation that
24 is substantially in accordance with the provisions of section 4-B
25 of this Act is valid and enforceable.

27 Emergency clause. In view of the emergency cited in the
28 preamble, this Act takes effect when approved.

32 STATEMENT OF FACT

34 This bill clarifies the authority of the Northport Village
35 Corporation to enact and enforce planning and land use regulation
36 ordinances.

38
40
42 This document has not yet been reviewed to determine the
43 need for cross-reference, stylistic and other technical
44 amendments to conform existing law to current drafting standards.