

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

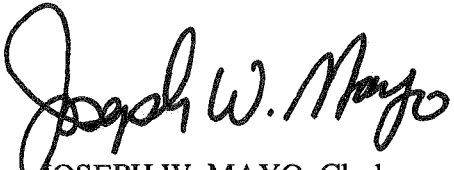
No. 83

H.P. 58

House of Representatives, January 9, 1997

**An Act to Amend the Laws Requiring Notification for Public Hearings
Concerning Ordinance Changes.**

Reference to the Committee on State and Local Government suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative CARLETON of Wells.

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

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4 **Sec. 1. 30-A MRSA §4352, sub-§8**, as amended by PL 1991, c.
504, §1, is further amended to read:

6 **8. Conditional and contract rezoning.** A zoning ordinance
7 may include provisions for conditional or contract zoning. All
8 rezoning under this subsection must:

10 A. Be consistent with the local growth management program
11 adopted under this chapter;

12 B. Establish rezoned areas that are consistent with the
13 existing and permitted uses within the original zones; and

14 C. Only include conditions and restrictions that relate to
15 the physical development or operation of the property.

16
17 The municipal reviewing authority shall conduct a public hearing
18 before any property is rezoned under this subsection. Notice of
19 this hearing must be posted in the municipal office at least 14
20 13 days before the public hearing. Notice must also be published
21 at least 2 times in a newspaper having general circulation in the
22 municipality. The date of the first publication must be at least
23 7 days before the hearing. Notice must also be sent to the owner
24 or owners of the property to be rezoned and to the owners of all
25 property abutting the property to be rezoned at the owners' last
26 known addresses. This notice must contain a copy of the proposed
27 conditions and restrictions with a map indicating the property to
28 be rezoned.
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31 **Sec. 2. 30-A MRSA §4352, sub-§9**, as repealed and replaced by
32 PL 1993, c. 374, §3, is amended to read:

33 **9. Notice; general requirements.** Before adopting a new
34 zoning ordinance or map or amending an existing zoning ordinance
35 or map, including ordinances or amendments adopted under the laws
36 governing growth management contained in chapter 187, subchapter
37 II or the laws governing shoreland zoning contained in Title 38,
38 chapter 3, subchapter I, article 2-B, the municipal reviewing
39 authority must post and publish notice of the public hearing
40 required under subsection 1 in accordance with the following
41 provisions.
42

43 A. The notice must be posted in the municipal office at
44 least 14 13 days before the public hearing.

45 B. The notice must be published at least 2 times in a
46 newspaper that complies with Title 1, section 601 and that
47 has a general circulation in the municipality. The date of
48
49
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2 the first publication must be at least 14 12 days before the
3 hearing and the date of the 2nd publication must be at least
4 7 days before the hearing. That notice must be written in
5 plain English, understandable by the average citizen.

6 **Sec. 3. 30-A MRSA §4352, sub-§10, ¶B,** as enacted by PL 1993,
7 c. 374, §4, is amended to read:

8
9 B. For each parcel within the municipality that is in or
10 abutting the portion of the municipality affected by the
11 proposed amendment, the notice must be mailed by first class
12 mail at least 14 13 days before the public hearing to the
13 last known address of the person to whom property tax on
14 each parcel is assessed. The municipal officers shall
15 prepare and file with the municipal clerk a written
16 certificate indicating those persons to whom the notice was
17 mailed and at what addresses, when it was mailed, by whom it
18 was mailed and from what location it was mailed. This
19 certificate constitutes prima facie evidence that notice was
20 sent to those persons named in the certificate. Notice is
21 not required under this paragraph for any type of zoning
22 ordinance adopted under the laws governing growth management
23 contained in chapter 187, subchapter II or the laws
24 governing shoreland zoning contained in Title 38, chapter 3,
25 subchapter I, article 2-B.

28 SUMMARY

30 This bill changes the notification time for a public hearing
31 involving a municipal zoning ordinance from 14 days to 13 days.
32 It also changes the time allowed for publication of certain
33 public hearing notices in the newspaper and for the mailing of
34 certain notices to abutting property owners.