

MAINE STATE LEGISLATURE

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L.D. 796

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DATE: 6-4-01

(Filing No. H-681)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 231, L.D. 796, Bill, "An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda"

Amend the amendment by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 30-A MRS §3001, sub-§5 is enacted to read:

5. Limitation on retroactive ordinance power. A municipal ordinance or bylaw enacted by citizen initiative or referendum may not contain a retroactive clause that invalidates, or has the effect of invalidating, any building permit, zoning permit, land use approval, subdivision approval or site plan approval unless:

A. The citizen initiative is submitted for certification by the certifying body for that municipality within 60 days of the approval of the permit or land use, subdivision or site plan that the citizen initiative is attempting to revoke; and

B. The initiative is submitted to and approved at referendum no later than the next election scheduled for that political subdivision.

This subsection may not be construed to limit the right of a citizen to change zoning or other land use ordinances not related to any previously issued building permit, land use approval, subdivision approval or site plan approval.'

SUMMARY

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4 This amendment limits the restriction on retroactive citizen
6 initiatives to those initiatives that invalidate or have the
8 effect of invalidating any building permit, zoning permit, land
use approval, subdivision approval or site plan approval. The
amendment specifically allows a citizen initiative that is not
related to previously issued permits or land use approvals.

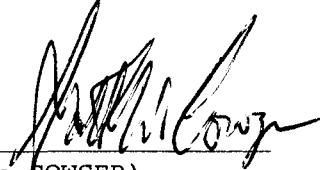
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12 The amendment also requires a citizen initiative that
14 contains a retroactive clause that has the effect of invalidating
16 a building permit, zoning permit, land use approval, subdivision
18 approval or site plan approval to be submitted for certification
within 60 days of the issuance of the permit or approval that the
citizen initiative is attempting to revoke. The citizen
initiative must be voted on at the next regularly scheduled
election for that area.

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SPONSORED BY: 
(Representative COWGER)

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TOWN: Hallowell

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