

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 796

S.P. 231

In Senate, February 13, 2001

An Act to Amend the Laws Governing Municipal Citizen Initiatives and Referenda.

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Joy J. O'Brien", is positioned above the printed name of the Secretary of the Senate.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.
Cosponsored by Senator TURNER of Cumberland.

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

Whereas, it has become increasingly common for citizen groups to circulate petitions for citizen initiatives and referendums proposing amendments to municipal ordinances or bylaws that, if enacted, would have the effect of retroactively invalidating, repealing, revoking or modifying building permits, land use approvals or other actions that have the effect of permitting development after these permits or approval were issued or these actions have been taken; and

Whereas, this retroactive effect creates uncertainty and discourages the development of commercial and industrial projects in this State; and

Whereas, immediate enactment of this legislation is necessary to eliminate the uncertainties of doing business in this State; 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. 30-A MRSA §3001, sub-§5 is enacted to read:

5. Limitation on ordinance power. A municipal ordinance or bylaw enacted by citizen initiative or referendum may not invalidate, repeal, revoke, modify or have the effect of invalidating, repealing, revoking or modifying any building permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other action having the effect of permitting development if that permit or approval was issued or that action was taken prior to the enactment of that ordinance or bylaw.

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

SUMMARY

This bill prohibits municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing,

2 revoking or modifying any building permit, land use approval or
3 other action having the effect of permitting development if that
4 permit or approval was issued or that action was taken prior to
 enactment of the ordinance or bylaw.