

# MAINE STATE LEGISLATURE

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L.D. 1430

DATE: 5-1-01

(Filing No. H-237)

MINORITY

STATE AND LOCAL GOVERNMENT

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

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COMMITTEE AMENDMENT "A" to H.P. 1067, L.D. 1430, Bill, "An Act to Expand Participation Between Adjoining Towns for Approval of Subdivisions"

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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Sec. 1. 30-A MRSA §4403, sub-§1-B is enacted to read:

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1-B. Near boundary of abutting municipality. If any portion of a proposed subdivision is situated within 200 feet of the boundary line of an abutting municipality, the municipality in which the proposed subdivision is located shall provide notice to property owners in the abutting municipality within the same distance and according to the same standards by which it would provide notice to residents of its own municipality.

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Property owners and residents in the abutting municipality who are required to be notified under this subsection must be permitted to participate in any public hearing of the reviewing authority to the same extent as property owners or residents in the reviewing authority's municipality. Development-related impacts on the abutting municipality may be considered by the reviewing authority according to the same standards as impacts on the municipality in which the subdivision is located.

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Sec. 2. 30-A MRSA §4403, sub-§3, ¶A, as amended by PL 1999, c. 761, §11, is further amended to read:

COMMITTEE AMENDMENT

2 A. When an application is received, the municipal reviewing  
3 authority shall give a dated receipt to the applicant and  
4 shall notify by mail all abutting property owners of the  
5 proposed subdivision, regardless of municipal boundary  
6 lines, and the municipal officers of the neighboring  
7 municipality, and the clerk and the reviewing authority of  
8 municipalities that abut or include any portion of the  
9 subdivision shall provide notice pursuant to subsection 1-B,  
10 specifying the location of the proposed subdivision and  
11 including a general description of the project. The  
12 municipal reviewing authority shall notify by mail a public  
13 drinking water supplier if the subdivision is within its  
14 source water protection area.'

15 Further amend the bill by inserting at the end before the  
16 summary the following:  
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#### 20 FISCAL NOTE

21 The requirement that municipalities provide notifications to  
22 property owners in neighboring municipalities in certain  
23 situations represents a state mandate pursuant to the  
24 Constitution of Maine. The additional local costs can not be  
25 determined at this time. Unless General Fund appropriations are  
26 provided to fund at least 90% of the additional costs or a  
27 Mandate Preamble is amended to the bill and 2/3 of the members of  
28 each House vote to exempt this mandate from the funding  
29 requirement, the municipalities may not be required to implement  
30 these changes.'  
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#### 34 SUMMARY

35 This amendment, which is the minority report, strikes the  
36 text of the original bill. The amendment proposes to require  
37 that the municipality in which a proposed subdivision is located  
38 provide notice to property owners in a neighboring municipality  
39 when the proposed subdivision is to be located within 200 feet of  
40 the boundary line of that neighboring municipality. It also  
41 requires that property owners and residents of the neighboring  
42 community who have been given notice be permitted to participate  
43 in any public hearing of the reviewing authority to the same  
44 extent as property owners and residents of the reviewing  
45 authority's municipality. The amendment also allows the  
46 reviewing authority to consider development-related impacts on  
47 the abutting municipality in its review of the subdivision  
48 application. It also adds a fiscal note to the bill.