



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

H.P. 309

House of Representatives, January 30, 2003

No. 389

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.

Millicent M. Mac Failand

MILLICENT M. MacFARLAND Clerk

Presented by Representative SUSLOVIC of Portland.

Cosponsored by Representative McLAUGHLIN of Cape Elizabeth, President DAGGETT of Kennebec and Representatives: BARSTOW of Gorham, CLOUGH of Scarborough, COWGER of Hallowell, KOFFMAN of Bar Harbor, MILLS of Cornville, STONE of Berwick. **Emergency preamble. Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, it has become increasingly common for citizen
groups to circulate petitions for citizen initiatives and referenda 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 permitting development after these permits or approvals 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

18 Whereas, immediate enactment of this legislation is necessary to eliminate the uncertainties of doing business in 20 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,

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

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

32 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 36 permit, zoning permit, land use approval, subdivision approval, site plan approval, rezoning, certification, variance or other 38 action having the effect of permitting development if that permit or approval was issued or that action was taken prior to the 40 enactment of that ordinance or bylaw.

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

SUMMARY

48 This bill prohibits municipal ordinances or bylaws enacted by citizen initiative or referendum from containing retroactivity provisions that have the effect of invalidating, repealing,
revoking or modifying any building permit, land use approval or other action having the effect of permitting development if that
permit or approval was issued or that action was taken prior to enactment of the ordinance or bylaw.