

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

Reported by:

REPORT 'B'

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S.P. 507, L.D. 1481, Bill, "An Act To Amend the Laws Governing the Enactment Procedures for Ordinances"

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

Sec. 1. 30-A MRSA §3002-A is enacted to read:

§3002-A. Procedures for enactment and amendment of local ordinances by direct initiative

1. Scope. In accordance with the Constitution of Maine, Article IV, Part Third, Section 21, the procedures established in this section must be followed by a municipality that chooses to establish a direct initiative procedure, except that any municipal charter that establishes a procedure for a direct initiative must continue to provide that procedure for that municipality until the procedure is changed by amendment of that charter.

2. Procedure for ordinances and amendments to ordinances enacted by direct initiative. The registered voters of a municipality may propose any new ordinance or bylaw or amendment to any existing ordinance or bylaw by written petition pursuant to sections 2522 and 2528 or the municipal charter. The municipal clerk shall certify that the required number of signatures were obtained from registered voters in the municipality. All ordinances or amendments enacted by direct initiative:

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- 2 A. Must become effective, upon a majority vote of the
- 4 voters, on the date the vote was taken or as otherwise
- 6 provided by state law or municipal charter; and

- 8 B. May not apply to structures and uses of structures in
- 10 construction or proposed for construction for which a final
- 12 municipal building permit, zoning permit, subdivision
- 14 approval, site plan approval or any other municipal land use
- 16 approval was received prior to the date that the municipal
- 18 clerk certifies that the direct initiative petition meets
- 20 the applicable filing requirements, including the requisite
- 22 number of registered municipal voters' signatures. For the
- 24 purposes of this paragraph, a permit or approval is final if
- 26 all municipal approvals have been received and all appeals
- at the municipal level have been decided.'

SUMMARY

20 This amendment replaces the bill and is the minority
22 report. It establishes procedures for the enactment of local
24 ordinances and ordinance amendments by direct initiative and
26 prohibits the application of a new local ordinance to
 construction projects for which a permit or municipal approval
 has been granted and finally decided.