

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

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

Amend the amendment in section 1 by striking out all of subsection 6 (page 1, lines 29 to 36 in amendment) and inserting in its place the following:

'6. Restriction on nullification of final permit. A municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance except as provided in this subsection.

A. The municipality must take action on the enactment, amendment or repeal of the local ordinance prior to the passage of 75 days after:

(1) The permit has received its lawful final approval; and

(2) A public hearing was held on the permit.

B. Notwithstanding paragraph A, if the proposed change to the ordinance is the result of a citizen-initiated petition, the requirements of this paragraph apply.

(1) The petition for an article in the warrant changing the ordinance must be filed with the municipal clerk within the 75-day limitation, except that the

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time the petition is held by the municipality for certification of the question does not count towards the 75-day limitation.

(2) The municipality shall allow the petition to be circulated by any registered voter.

C. Notwithstanding section 3002, subsection 4, a proposed enactment, amendment or repeal of an ordinance that has the effect of nullifying a municipal land use permit pursuant to this subsection must be submitted to the town meeting or to the town council for action either as an article in the warrant or a question on a secret ballot no later than the next regularly scheduled town meeting or meeting of the town council, as long as that meeting occurs after sufficient time has passed to allow for the posting and notice of the article or question or as provided in paragraph D.

D. An applicant may pay for the cost of holding an election on the proposed change to the ordinance made pursuant to this subsection sooner than the next regularly scheduled town meeting or meeting of the town council. The municipality shall offer this option to the applicant and provide the cost and anticipated date of the expedited election. If the municipality accepts funding pursuant to this paragraph, the election must be held as soon as permitted under law.

For the purposes of this subsection, "municipal land use permit" includes a municipal building permit, zoning permit, subdivision approval and site plan approval. This subsection does not alter or invalidate any provision of a municipal ordinance that provides for the expiration or lapse of a permit or approval granted pursuant to that permit following the expiration of a certain period of time.'

SUMMARY

This amendment incorporates the provisions of Senate Amendment "C" to Committee Amendment "C," except that this amendment also specifies that if the proposed change to the ordinance that would nullify or amend a previously issued land use permit is the result of a citizen-initiated petition, the petition for an article in the warrant must be submitted within 75 days following approval of the permit in order to allow the nullification or amendment of the permit. The time that the petition is held by the municipality for certification of the question is not counted in determining the 75-day period. A municipality is required to allow the petition to be circulated by any registered voter.

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2 This amendment requires the change in ordinance, whether
4 proposed by the municipality or by citizen initiative, to be
6 submitted for consideration at the next regularly scheduled town
meeting or meeting of the town council, but gives the applicant
the option of paying the costs of an earlier election.

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SPONSORED BY:

(Representative FAIRCLOTH)

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TOWN: Bangor

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