

MAINE STATE LEGISLATURE

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DATE: 4-13-66

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

HOUSE AMENDMENT "F" 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 for certification of the question with the municipality within 30 days of the lawful final approval of the permit.

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

4
5 (3) The completed petition must be filed with the
6 municipality for certification of the signatures within
7 75 days of the lawful final approval of the permit,
8 except that the time that the petition is held by the
9 municipality for certification of the question does not
10 count towards the 75-day limitation.

11 C. Notwithstanding section 3002, subsection 4, a proposed
12 enactment, amendment or repeal of an ordinance that has the
13 effect of nullifying a municipal land use permit pursuant to
14 this subsection must be:

15 (1) Submitted to the town meeting or to the town
16 council for action either as an article in the warrant
17 or a question on a secret ballot no later than the next
18 regularly scheduled town meeting or meeting of the town
19 council, as long as that meeting occurs after
20 sufficient time has passed to allow for the posting and
21 notice of the article or question;

22 (2) Submitted to the voters at an election to be held
23 as determined by the municipal officers but no later
24 than the next scheduled statewide election; or

25 (3) As provided in paragraph D.

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

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

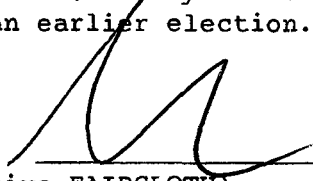
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SUMMARY

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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 started within 30 days of approval of the permit and 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.

This amendment requires the change in ordinance, whether proposed by the municipality or by citizen initiative, to be submitted for consideration at the next regularly scheduled town meeting or meeting of the town council or sent to the voters at an election to be held no later than the next regularly scheduled statewide election, but gives the applicant the option of paying the costs of an earlier election.

SPONSORED BY: 
(Representative FAIRCLOTH)

TOWN: Bangor FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 1481

LR 1981(27)

An Act To Amend the Laws Governing the Enactment Procedures for Ordinances

Fiscal Note for House Amendment "F" to Committee Amendment "C"

Sponsor: Rep. Faircloth

Fiscal Note Required: Yes

Fiscal Note

Current Cost - State Mandate

State Mandate

New or Expanded Activity

Authorizing a municipality to hold an expedited town meeting or a town council meeting if the applicant pays for the costs of the meeting regarding a proposed ordinance change is a state mandate pursuant to the Maine Constitution. Allowing municipalities to be reimbursed for the cost does not stop it from being a mandate but does remove the financial burden of the required activities.

Unit Affected

Municipality

Costs

Insignificant