

MAINE STATE LEGISLATURE

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Handwritten initials "R.S." with a flourish above them.

L.D. 1481

DATE: 4-26-06

(Filing No. H-1051)

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

HOUSE AMENDMENT "I" 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 a period 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 initiators must file the question with the municipality prior to the passage of 30 days after the permit has received its lawful final approval.

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

(3) Within 75 days of approval of the question by the municipality, the signed petition must be submitted to the municipality for certification of the signatures.

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.'

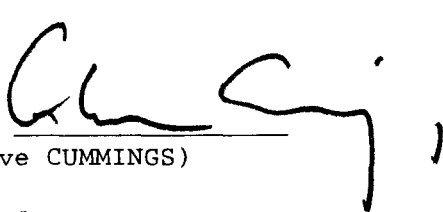
SUMMARY

This amendment incorporates the provisions of Senate Amendment "C" to Committee Amendment "C", except this amendment also specifies the following procedures for a change by citizen-initiated petition to an ordinance that would nullify or amend a previously issued municipal land use permit.

1. A petition to change an ordinance must be filed with the municipality within 30 days of the final approval of the permit.

2. The municipality is required to allow any registered voter to circulate the petition.

3. Following the certification of the question by the municipality, the petitioners have 75 days to gather the requisite number of signatures and submit the signed petition to the municipality for certification of the signatures.

SPONSORED BY: 
(Representative CUMMINGS)

TOWN: Portland