

MAINE STATE LEGISLATURE

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M
R. of S.

L.D. 1481

DATE: 4/28/06

(Filing No. H-1084)

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

HOUSE AMENDMENT "K" 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 the time limits in 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 20 days of the lawful final approval of the permit.

A. 4. 6.

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 sections 2522 and 2528 and section 3002,
12 subsection 4, a proposed enactment, amendment or repeal of
13 an ordinance that has the effect of nullifying a municipal
14 land use permit must be submitted to the voters or to the
15 municipality or meeting of the town or city council as
16 specified in this paragraph.

17
18 (1) If a town meeting, meeting of a town or city
19 council or election is scheduled to occur within 90
20 days of the submission of the petition for
21 certification of signatures, the warrant or a question
22 on a secret ballot proposing a change to the ordinance
23 must be submitted to that town meeting, meeting of the
24 town or city council or election, as long as that
25 meeting or election occurs after sufficient time has
26 passed to allow for the posting and notice of the
27 article or question and preparation of the ballots.

28
29 (2) If a town meeting, meeting of a town or city
30 council or election is not scheduled to occur within 90
31 days of the submission of the petition for
32 certification of the signatures, upon written request
33 of either a signatory of the petition or a holder of a
34 permit that would be nullified by the proposed
35 ordinance change, the warrant or a question on a secret
36 ballot proposing a change to the ordinance must be
37 submitted to a town meeting or a meeting of the town or
38 city council or at a special election no later than 60
39 days after the certification of the petition by the
40 municipality.

41
42 (3) If the requirements of neither subparagraph (1)
43 nor subparagraph (2) are met, then the warrant or a
44 question on a secret ballot proposing a change to the
45 ordinance must be submitted at the next regularly
46 scheduled town meeting, meeting of the town or city
47 council or election.

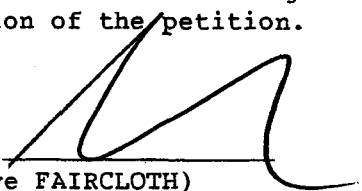
48
49 For the purposes of this subsection, "municipal land use permit"
50

2 includes a municipal building permit, zoning permit, subdivision
3 approval and site plan approval. This subsection does not alter
4 or invalidate any provision of a municipal ordinance that
5 provides for the expiration or lapse of a permit or approval
6 granted pursuant to that permit following the expiration of a
7 certain period of time.'

8
10 **SUMMARY**

11 This amendment incorporates the provisions of Senate
12 Amendment "C" to Committee Amendment "C," except that this
13 amendment also specifies that if the proposed change to the
14 ordinance that would nullify or amend a previously issued land
15 use permit is the result of a citizen-initiated petition, the
16 petition for an article in the warrant must be started within 20
17 days of approval of the permit and submitted within 75 days
18 following approval of the permit in order to allow the
19 nullification or amendment of the permit. The time that the
20 petition is held by the municipality for certification of the
21 question is not counted in determining the 75-day period. A
22 municipality is required to allow the petition to be circulated
23 by any registered voter.

24 This amendment also requires the change in ordinance to be
25 submitted for consideration at a meeting or election scheduled to
26 occur within 90 days of submission of the petition. If a meeting
27 or election is not scheduled within the 90 days following
28 submission of the petition, the change in the ordinance must be
29 submitted for consideration at the next regularly scheduled town
30 meeting or meeting of the town or city council or election,
31 unless a signer of the petition or a holder of a permit that
32 would be nullified by the proposed ordinance change objects in
33 writing, in which case the meeting or vote must be held within 60
34 days of submission of the petition.

35
36
37
38 SPONSORED BY: 
39 (Representative FAIRCLOTH)

40
41 TOWN: Bangor

42
43 FISCAL NOTE REQUIRED
44 (See attached)



122nd MAINE LEGISLATURE

LD 1481

LR 1981(39)

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

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

Sponsor: Rep. Faircloth

Fiscal Note Required: Yes

Fiscal Note

Current Cost - State Mandate

State Mandate

New or Expanded Activity

Requiring a municipality to hold an expedited town meeting or special election within 60 days of submission of a petition regarding a proposed ordinance change is a state mandate pursuant to the Maine Constitution. The additional costs to conduct such an expedited meeting or special election are expected to be minor.

Unit Affected

Municipality

Costs

Insignificant