

# MAINE STATE LEGISLATURE

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L.D. 1481

DATE: 5-22-06

(Filing No. H-1088)

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

HOUSE AMENDMENT "L" 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 approved following a public hearing 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

2 of the question with the municipality within 20 days of  
3 the lawful final approval of the permit.

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

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

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

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

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

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

2 For the purposes of this subsection, "municipal land use permit"  
4 includes a municipal building permit, zoning permit, subdivision  
6 approval and site plan approval. This subsection does not alter  
8 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.

10 This subsection only applies to actions of a municipality that  
12 nullify or amend a municipal land use permit granted following a  
public hearing.'

### SUMMARY

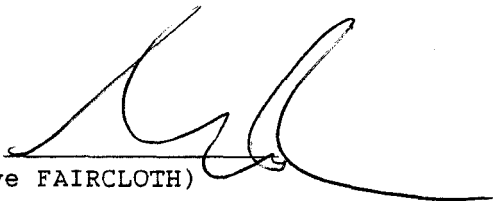
16  
18 This amendment incorporates the provisions of Senate  
20 Amendment "C" to Committee Amendment "C," except that this  
22 amendment also specifies that if the proposed change to the  
24 ordinance that would nullify or amend a previously issued land  
26 use permit is the result of a citizen-initiated petition, the  
28 petition for an article in the warrant must be started within 20  
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.

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

R.S.

HOUSE AMENDMENT "L" to COMMITTEE AMENDMENT "C" to S.P. 507, L.D.  
1481

2           This amendment specifies that the provisions of law apply  
4           only to actions of a municipality that nullify or amend a  
6           municipal land use permit that was granted following a public  
8           hearing.

10           SPONSORED BY:   
              (Representative FAIRCLOTH)

12           TOWN: Bangor

14

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 122nd MAINE LEGISLATURE

LD 1481

LR 1981(40)

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

Fiscal Note for House Amendment "L" 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. Requiring a municipality to take action within 75 days to hold an expedited town meeting or or special election regarding a proposed ordinance change is also a state mandate. The additional costs to conduct such expedited meetings or special elections are expected to be minor.

##### Unit Affected

Municipality

##### Costs

Insignificant