

# MAINE STATE LEGISLATURE

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DATE: 4-26-06

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STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "G" 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 propose the enactment, amendment or repeal of the local ordinance prior to the passage of 75 days after the permit has received its lawful final approval.

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, or within such other time as is provided by municipal charter, except that the time the petition is held by the municipality for certification of the question does not count towards the 75-day or other limitation.

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

C. Notwithstanding sections 2522 and 2528, a proposed enactment, amendment or repeal of an ordinance that has the

2 effect of nullifying a municipal land use permit pursuant to  
3 this subsection must be submitted to the town meeting, to  
4 the town or city council or to the public for action either  
5 as an article in the warrant or a question on a secret  
6 ballot no later than the next regularly scheduled town  
7 meeting, meeting of the town or city council or election, as  
8 long as that meeting or election occurs after sufficient  
9 time has passed to allow for the posting and notice of the  
10 article or question.

11 For the purposes of this subsection, "municipal land use permit"  
12 includes a municipal building permit, zoning permit or site plan  
13 approval that is issued after public hearing. This subsection  
14 does not alter or invalidate any provision of a municipal  
15 ordinance that provides for the expiration or lapse of a permit  
16 or approval granted pursuant to that permit following the  
17 expiration of a certain period of time.

18 Notwithstanding any other provision of law, if a provision of  
19 this subsection conflicts with a provision of a municipal  
20 charter, the provision of the municipal charter prevails.'

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## SUMMARY

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This amendment extends the period within which a municipality may propose to nullify or amend a land use permit to 75 days. 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 or a time period specified in municipal charter 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 or other limitation period. A municipality is required to allow the petition to be circulated by any registered voter.

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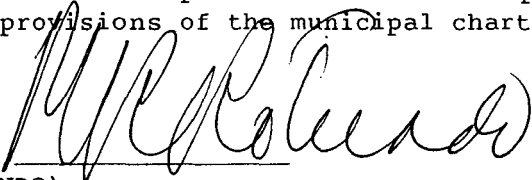
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This amendment requires the change in ordinance, whether proposed by the municipality or by citizen initiative, to be submitted for consideration at the next regularly scheduled town meeting, meeting of the town or city council or election.

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L.D. 1481

2 This amendment also specifies that, in the event of a  
conflict between a municipal charter and the provisions of this  
4 amendment, the provisions of the municipal charter prevail.

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8 SPONSORED BY:   
(Senator ROTUNDO)

10 COUNTY: Androscoggin

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