

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1481

S.P. 507

In Senate, March 24, 2005

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

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BROMLEY of Cumberland.  
Cosponsored by Representative KOFFMAN of Bar Harbor and  
Senators: COWGER of Kennebec, DAMON of Hancock, Representatives: EBERLE of South  
Portland, PIOTTI of Unity, WOODBURY of Yarmouth.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 30-A MRSA §3002, sub-§§5 and 6** are enacted to read:

5 5. Procedures for ordinances or bylaws enacted or amended  
6 by citizen initiative. Municipal ordinances or bylaws may be  
7 enacted or amended as provided in this subsection.

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9  
10 A. The electors of the municipality may propose any new  
11 ordinance or bylaw or amendment to an existing ordinance or  
12 bylaw by written petition addressed to the city council or  
13 board of selectmen. The petition must be signed by a number  
14 of electors of the municipality equal to at least 10% of the  
15 total votes cast for Governor in the municipality in the  
16 last gubernatorial election preceding the filing of the  
17 petition. Signatures may be collected only from registered  
18 voters in the municipality. All signatures must be  
19 certified as those of registered voters by the municipal  
20 clerk. The measure thus proposed, unless enacted without  
21 change by the city council or board of selectmen, must be  
22 submitted to the electors at the next municipal or general  
23 election. All ordinances and bylaws adopted or amended  
24 through this process apply prospectively and may not affect  
25 any grandfathered rights.

26 B. For the purposes of this subsection, "grandfathered  
27 rights" includes rights pertaining to:

28 (1) All existing structures and uses of structures;

29  
30 (2) All structures and uses of structures in  
31 construction or proposed for which building permits,  
32 zoning permits, subdivision approval, site plan  
33 approval or any other land use approval has been  
34 granted; and

35  
36 (3) All proposed structures and uses of structures for  
37 which written notice of intent to file an application,  
38 describing the nature of the use or uses proposed, the  
39 maximum land area that will be disturbed and not  
40 revegetated and the maximum area of occupiable space,  
41 has been sent by certified mail to all owners of record  
42 on the municipal assessment records within 500 feet of  
43 the property boundary of those proposed structures at  
44 least 90 days prior to receipt of the written petition  
45 described in paragraph A by the city council or board  
46 of selectmen and for which an application for a  
47 building permit, zoning permit, subdivision approval,  
48 site plan approval or any other land use approval has  
49 been filed prior to receipt of that written petition.  
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