MAINE STATE LEGISLATURE

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2 Date: 5/9/07

Minority

3 STATE AND LOCAL GOVERNMENT

4 Reproduced and distributed under the direction of the Clerk of the House.

5 **STATE OF MAINE**

6 **HOUSE OF REPRESENTATIVES**

7 **123RD LEGISLATURE**

8 **FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "*A* " to H.P. 779, L.D. 1061, Bill, "An Act To
10 Accept the Determination of Public Opinion on Municipal Projects"

11 Amend the bill by striking out the title and substituting the following:

12 **'An Act To Ensure Adequate Public Notice on Municipal Projects'**

13 Amend the bill by striking out everything after the title and before the summary and
14 inserting the following:

15 '**Mandate preamble.** This measure requires one or more local units of government
16 to expand or modify activities so as to necessitate additional expenditures from local
17 revenues but does not provide funding for at least 90% of those expenditures. Pursuant to
18 the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to
19 each House have determined it necessary to enact this measure.

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

21 **Sec. 1. 30-A MRSA §4361** is enacted to read:

22 **§4361. Public notice for municipal projects**

23 **1. Public notice.** Municipal officers shall provide notice by mail at least 10 days
24 before any public hearing on a municipal project to all residents within a one-mile radius
25 of the proposed project or to the entire municipality, whichever is the smaller.

26 **2. Municipal project.** For the purpose of this section, "municipal project" means
27 any large development project and includes, but is not limited to, the following projects:
28 developments that equal or exceed 75,000 square feet; those requiring licensing or
29 oversight from the Department of Environmental Protection; those involving disposal of
30 hazardous or toxic waste; public waste water treatment facilities; and subdivisions.

31 **3. Public hearing.** Everyone present at the public hearing must be allowed to give
32 testimony.

COMMITTEE AMENDMENT

1   **4. Application.** This section applies to a municipality that has municipal reviewing
2 authority and to a municipality without municipal reviewing authority in which planning
3 decisions are made at the town meeting.'

4 <div align="center">**SUMMARY**</div>

5   This amendment, which is the minority report, replaces the bill. It requires municipal
6 officers to provide notice of a public hearing to all residents within a one-mile radius or
7 the entire municipality, whichever is the smaller, by mail at least 10 days prior to the
8 hearing. This notice is necessary for all significant development projects, including, but
9 not limited to, projects that: are at least 75,000 square feet in size; require licensing or
10 oversight by the Department of Environmental Protection; involve public waste water
11 treatment facilities; involve disposal of hazardous or toxic waste; and involve
12 subdivisions. Everyone present at the public hearing must be allowed to testify. Notice
13 must be provided whether the municipality has a planning board or the planning decisions
14 are made at a town meeting.

15 <div align="center">**FISCAL NOTE REQUIRED**</div>
16 <div align="center">**(See attached)**</div>

<div align="center">*COMMITTEE AMENDMENT*</div>

123rd MAINE LEGISLATURE

LD 1061   LR 1383(02)

An Act To Accept the Determination of Public Opinion on Municipal Projects

Fiscal Note for Bill as Amended by Committee Amendment "A "
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity	Unit Affected	Costs
This bill requires municipal officers to mail notices of public hearings on major development proposals to all residents within a one mile radius of a proposed project or to the entire municipality, whichever is smaller. Pursuant to the Mandate Preamble, a 2/3s vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.	Municipality	Significant