MAINE STATE LEGISLATURE

The following document is provided by the LAW AND LEGISLATIVE DIGITAL LIBRARY at the Maine State Law and Legislative Reference Library http://legislature.maine.gov/lawlib



Reproduced from electronic originals (may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 86

S.P. 41

In Senate, January 18, 2011

An Act To Provide Certainty to Businesses and Development

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

Joseph G. Carleton Jr.
JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SCHNEIDER of Penobscot.

Cosponsored by Representative COTTA of China and

Senators: COLLINS of York, DIAMOND of Cumberland, SULLIVAN of York, THOMAS of Somerset, Representatives: CELLI of Brewer, GILLWAY of Searsport, GRAHAM of North Yarmouth, HARVELL of Farmington.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 30-A MRSA §3007, sub-§6 is enacted to read:
3 4 5	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 after a period of 75 days has passed after:
6	A. The permit has received its lawful final approval; and
7	B. If required, a public hearing was held on the permit.
8 9 10 11 12	For the purposes of this subsection, "municipal land use permit" includes a municipal building permit, zoning permit, subdivision approval and site plan approval. This subsection does not alter 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.
13	SUMMARY
14 15 16 17 18	This bill provides that a municipality may not nullify or amend a municipal land use permit by a subsequent enactment, amendment or repeal of a local ordinance after a period of 75 days has passed after the permit has received its lawful final approval and, if required, a public hearing was held on the permit. It also specifies that this provision does not affect any municipal ordinance that provides for a lapse of the permit or
19	authority granted pursuant to the permit after a certain period of time.