

# MAINE STATE LEGISLATURE

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EIGHTIETH LEGISLATURE

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HOUSE

NO. 12

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House of Representatives, Jan. 12, 1921.

Referred to Committee on Legal Affairs and 1000 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Winter of Auburn.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND  
NINE HUNDRED AND TWENTY-ONE

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AN ACT to Confer Certain Additional Powers upon the Municipal Officers of Cities and Towns Concerning Buildings, the Intensity of Use of Lot Areas, the Classification of Buildings, Trades and Industries with Respect to Location and Regulation, the Creation of Residential, Industrial, Commercial and Other Districts, and the Exclusion from and Regulation Within Such Districts of Classes of Buildings, Trades and Industries.

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

Section 1. That in addition to existing powers, and to  
2 the end that adequate light, pure air and safety from fire  
3 and other danger may be secured; that the taxable value

4 of land and buildings throughout the city or town may be  
5 conserved; that congestion in the public streets may be  
6 lessened or avoided, and that the public health, safety, com-  
7 fort and welfare may otherwise be promoted, the municipal  
8 officers in cities and towns shall have the following powers:

To regulate and limit the height and bulk of buildings  
2 hereafter to be erected, to regulate and limit the intensity  
3 of the use of lot areas and to regulate and determine the  
4 areas of yards, courts and other open spaces within and  
5 surrounding such buildings to classify, regulate and restrict  
6 the location of trades and industries and the location of  
7 buildings designed for specified uses; to make regulations  
8 designating the trades and industries that shall be excluded  
9 or subjected to special regulations within fixed districts and  
10 designating uses for which buildings may not be erected  
11 or altered in such district; to divide the city or town or  
12 portions of same into districts of such number, shape and  
13 area as may be deemed best suited to carry out the pur-  
14 poses of this act, including the power to create and estab-  
15 lish residential districts within which new buildings designed  
16 for business may be excluded, restricted or limited, and  
17 including the power to regulate and restrict the location of  
18 trades and industries and buildings designed for same in  
19 such a way that classes of industries which affect the gen-  
20 eral comfort of the public may be excluded from districts  
21 where commercial and professional pursuits, which do not  
22 affect the comfort of the public are carried on; and to pre-

23 vent the alteration or remodelling of existing buildings in  
24 such a way as to avoid the restrictions and limitations law-  
25 fully imposed on any such district; provided, that in ordi-  
26 nances passed under the authority of this act due allowance  
27 shall be made for existing conditions, the conservation of  
28 property values, the direction of building development to  
29 the best advantage of the entire city or town, and the uses  
30 of which property is devoted at the time of the enactment  
31 of any such ordinance, and that the powers by this act given  
32 shall not be exercised so as to deprive the owner of any  
33 existing property of its use for the purpose to which it was  
34 then lawfully devoted; and provided further, that nothing  
35 in this act shall be construed to prevent additions to and  
36 alterations of any existing plant or building made to further  
37 the purpose to which it is then lawfully devoted.

Sect. 2. No ordinance under the authority of this act shall  
2 be enacted until a public hearing has been held upon the  
3 subject matter of the proposed ordinance before a com-  
4 mission, board or committee authorized by the municipal  
5 officers, to investigate and make recommendations concern-  
6 ing such subject matter and an opportunity afforded the  
7 owners of land or lots within the proposed district to file  
8 written objections as herein provided for. Such public hear-  
9 ing shall be held only after publication in a newspaper cir-  
10 culating in such city or town of a notice of the time and  
11 place of such hearing at least thirty days in advance thereof,  
12 and the posting of such notice at not less than four differ-

ent places within such district, which notice shall indicate the boundaries of the territory to be affected both by the designation of the street and house numbers including and by the legal description of the property therein, and shall state what regulations under the authority of this act affecting such territory are to be considered at such hearing.

In addition to making publication and posting notices as herein provided, the officer or officers authorized to hold said public hearing shall cause a notice of similar import to be mailed to the person shown by the records of the city or town as the one who paid the taxes during the last preceding calendar year on each lot, block, tract or parcel of land situated within such territory, at the residence of the person so paying the taxes on each lot, block, tract or parcel of land, if the same can on diligent inquiry be found, and if the same cannot on diligent inquiry be found, such notice shall be directed to such person at the general delivery of the post office in the city or town in which said district is proposed to be made.

The affidavit of the officer designated by ordinance as the one to give such notice to the effect that such publication was made in such newspaper and by such posting and that such notices were mailed shall be taken as conclusive evidence that sufficient notice was given to all parties interested. When a district is first created no ordinance shall be passed hereunder which shall enlarge or reduce or otherwise change the boundaries of the territory as indicated in such notice

9 without another such notice and public hearing; said public  
10 hearing shall be conducted by the said commission, board or  
11 committee and may be temporarily adjourned and recom-  
12 menced from time to time until final adjournment at the  
13 discretion of the said commission, board or committee.  
14 After such final adjournment said commission, board or  
15 committee shall make its report and recommendation to the  
16 municipal officers and file the same with the city or town  
17 clerk within ten (10) days of the date of such adjournment.

Sect. 3. At any time after the public hearing herein pro-  
2 vided for, and not more than thirty (30) days after such  
3 commission, board, or committee shall file its report as re-  
4 quired herein, the owners of a majority of the land or lots  
5 within the proposed district according to frontage on the  
6 streets accepted for public use shall have the right to file  
7 their objection in writing to the formation of such district  
8 or to the regulations or restrictions proposed therein.

Such written objection may consist of one sheet or of a  
2 number of sheets bound together, with the signatures of  
3 such owners, the location of the property and the amount  
4 of frontage owned by each stated thereon after each name,  
5 and the same may be filed with the commission, board or  
6 committee designated as the proper authority to conduct  
7 such proceedings. Upon the filing of such objection if it  
8 shall appear that the owners of such majority according  
9 to frontage are opposed to the formation or creation of  
10 such district as is proposed, or to the regulations or restric-

11 tions proposed for any such district, all proceedings for  
12 same shall be discontinued, and no ordinance for the crea-  
13 tion or formation of such district in such territory shall  
14 be passed, and no new proceedings for the formation or  
15 creation of such district within the said territory shall be  
16 begun within one year after the filing of such objection.  
17 Provided, that if said objection shall state that it is directed  
18 only against certain of the proposed regulations and restric-  
19 tions, specifying same, new proceedings as herein provided  
20 for may be begun at any time for the purpose of creating  
21 such district after changing or modifying the proposed reg-  
22 ulations and restrictions.

Sect. 4. The regulations imposed and the districts created  
2 under the authority of this act may be amended, supple-  
3 mented or changed from time to time by ordinance after  
4 the ordinance establishing same has gone into effect, but  
5 no such change shall be made without notice and public  
6 hearing in the same manner as when such district is first  
7 created, and in case of written protest against a proposed  
8 amendment, supplement or change, signed by the owner of  
9 twenty per cent of the frontage immediately adjoining or  
10 across an alley therefrom, or by the owners of twenty per  
11 cent of the frontage directly opposite the frontage proposed  
12 to be altered, filed with the said commission, board or com-  
13 mittee so designated. Such amendment shall not be passed  
14 except by the favorable vote of two-thirds of the members  
15 of the board of municipal officers. Provided, that it shall

16 always be within the power of the owners of a majority  
17 of the lands and lots according to frontage within a pro-  
18 posed addition to such district to prevent such addition by  
19 filing objection thereto as herein provided.

Sect. 5. Upon the passage of an ordinance under the au-  
2 thority of this act a certified copy of same, together with  
3 a plat of the territory affected certified to by the chief mu-  
4 nicipal officer of the city, village or town as the case may  
5 be, shall be filed for record in the office of the register of  
6 deeds of the county in which the said territory is located,  
7 and no such ordinance shall take effect until the same is so  
8 recorded.

Sect. 6. The municipal officers may establish penalties for  
2 violation of such an ordinance once established and in effect.