

# MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

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HOUSE

NO. 12

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House of Representatives, Jan. 25, 1923.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Oakes of Portland.

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STATE OF MAINE

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

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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, a city  
2 or town may, by ordinance or by-law, restrict buildings  
3 and other structures to be used for particular industries,

4 trades, manufacturing or commercial purposes to specified  
5 parts of the city or town, or may exclude them from speci-  
6 fied parts of the city or town, or may provide that such  
7 buildings and structures if situated in certain parts of the  
8 city or town, shall be subject to special regulations as to  
9 their construction or use. A city or town may also, by  
10 ordinance or by-law, provide that certain kinds of dwelling  
11 houses and tenement houses, shall be restricted to specified  
12 parts of the city or town, or shall be excluded from speci-  
13 fied parts of the city or town, or that dwelling houses or  
14 tenement houses situated in specified parts of the city or  
15 town, shall conform to special regulations as to their con-  
16 struction or use which do not apply to such buildings in  
17 other parts of the city or town. A city or town, may also,  
18 by ordinance or by-law, regulate and limit the height and  
19 bulk of all buildings; regulate and limit the intensity of the  
20 use of land for dwelling purposes, and regulate and deter-  
21 mine the area of yards, courts and other open spaces with-  
22 in and around all buildings. For the above purposes, the  
23 city or town may be divided in districts or zones and the  
24 construction and use of buildings in each district or zone  
25 may be regulated as above provided.

Sect. 2. The provisions of this act shall be carried out  
2 in such manner as will best promote the health, safety, con-  
3 venience and welfare of the inhabitants, will lessen the  
4 danger from fire, will tend to improve and beautify the  
5 city or town, will harmonize with its natural development,

6 will assist in the carrying out of any plans for municipal  
7 improvement put forth by any municipal planning board  
8 or other like authority, will secure adequate light and pure  
9 air, will conserve the taxable value of land and buildings  
10 throughout the city or town, will lessen the congestion in  
11 the public streets, and will direct the building development  
12 to the best advantage of the entire city or town. Due re-  
13 gard shall be paid to the character of the different parts  
14 of the city or town and the ordinances and by-laws estab-  
15 lished hereunder in any city or town shall be the same for  
16 zones, districts or streets having substantially the same  
17 character.

Sect. 3. The powers granted by this act shall not be used  
2 so as to prohibit the use of any building for any trade, in-  
3 dustry or business for which the building is used at the  
4 time the ordinance or by-law takes effect.

Sect. 4. No ordinance shall be established, repealed, or  
2 amended under this act in any city until after a public  
3 hearing thereon has been held, notice of which shall be  
4 published at least thirty days before the hearing, in a news-  
5 paper of general circulation within the city concerned, or  
6 if none, within the county. The hearing shall be given  
7 by the city council, or by some officer, board, commission  
8 or committee designated or appointed for the purpose by  
9 the city council. When such hearings are held before a  
10 committee other than the city council, said committee shall  
11 make its report and recommendation to the city council

12 within ten days after said committee finally adjourns. No  
13 by-law shall be established, repealed or amended under this  
14 act in any town except at an annual or special town meet-  
15 ing the warrant for which contains a notice of the pro-  
16 posed by-law.

Sect. 5. The powers herein granted shall be liberally con-  
2 strued in favor of the municipalities, and this act shall not  
3 be taken to repeal or limit any powers now possessed by  
4 them.

Sect. 6. Any building, structure, premises, trade, indus-  
2 try, business or dwelling, used, altered, added to or main-  
3 tained contrary to a by-law or ordinance legally enacted  
4 hereunder is a nuisance and subject to the provisions of  
5 chapter twenty-three of the revised statutes; and municipi-  
6 palities may fix additional penalties.