

# MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

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Senate Document

No. 167

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S. P. 385

In Senate, March 2, 1927.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Maher of Kennebec.

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STATE OF MAINE

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

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AN ACT to Amend Chapter Two Hundred and Nine of the  
Public Laws of Nineteen Hundred and Twenty-five Relative  
to Zoning Ordinances.

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

Section 1. Section one of chapter two hundred and nine  
2 of the public laws of nineteen hundred and twenty-five is  
3 hereby amended by striking out all of said section and in-  
4 serting in place thereof the following:

‘Section 1. Cities, towns and village corporations may,  
2 by ordinance or by-law, restrict buildings, structures, prem-  
3 ises and camping grounds, to be used for particular indus-  
4 tries, trades, manufacturing, commercial or other purposes,

5 to specified parts or zones of the city, town or village cor-  
6 poration or may exclude them from specified parts or zones  
7 of the city, town or village corporation or provide that such  
8 buildings, structures, premises and camping grounds, if sit-  
9 uated in certain parts or zones of the city, town or village  
10 corporation, shall be subject to special regulation as to their  
11 construction or use. A city, town or village corporation  
12 may also, by ordinance or by-law, provide that certain kinds  
13 of dwelling houses, tenement houses and camping grou.lds,  
14 conducted for private gain, shall be restricted to specified  
15 parts or zones of such city, town or village corporation or  
16 shall be excluded from specified parts or zones of such city,  
17 town or village corporation or that dwelling houses or tene-  
18 ment houses or such camping grounds situated in specified  
19 parts or zones of such cities, towns or village corporations  
20 shall conform to certain regulations in respect to their con-  
21 struction or use which shall not apply to other buildings,  
22 structures, premises or camping grounds in other parts or  
23 zones of such city, town or village corporation. For the  
24 above purposes, the city, town or village corporation may,  
25 be divided into zones and the construction and use of build-  
26 ings and structures and the use of premises and such camp-  
27 ing grounds may be regulated, as above provided.'

Sect. 2. Section two of said chapter two hundred and  
2 nine is hereby amended by inserting after the word "build-  
3 ing" in the third line thereof, the words 'or structure' and  
4 inserting after the word "such" in the fourth line thereof,

5 the words 'premises or,' so that said section as amended,  
6 shall read as follows:

'Sect. 2. The provisions of this act shall be carried out  
2 in such manner as will best promote the health, safety,  
3 morals and general welfare of the community, and any  
4 building or structure erected, altered or repaired and such  
5 premises or camping grounds maintained contrary to the  
6 provision of an ordinance or by-law passed hereunder is a  
7 nuisance.'

Sect. 3. Section three of said chapter two hundred and  
2 nine is hereby amended by inserting after the word "city"  
3 in the fourth line thereof the word 'town,' and inserting  
4 after the word "city" in the last line thereof the word  
5 'town,' so that said section as amended, shall read as fol-  
6 lows:

'Sect. 3. No ordinance or by-law shall be enacted here-  
2 under until after a public hearing thereon, notice of which  
3 hearing shall be published at least thirty days before the  
4 hearing in a newspaper published in the city, town or vil-  
5 lage corporation concerned, or in a newspaper published in  
6 the county wherein said city, town or village corporation  
7 is located.'

Sect. 4. Section four of said chapter two hundred and  
2 nine is hereby amended by inserting after the word "build-  
3 ing" in the third line thereof the word 'structure,' and in-  
4 serting after the word "such" in the third line thereof the  
5 words 'premises or,' so that said section as amended, shall  
6 read as follows:

‘Sect. 4. It shall be the duty of the inspector of buildings  
2 to withhold permit for the construction or alteration of any  
3 building, structure or the maintenance of any such prem-  
4 ises or camping ground in violation of an ordinance or by-  
5 law enacted hereunder. Appeal shall lie from decision of  
6 the inspector of buildings to the municipal officers and from  
7 said municipal officers to the supreme judicial court accord-  
8 ing to the provisions of section twenty of chapter twenty-  
9 four of the revised statutes and acts additional thereto and  
10 amendatory thereof.’

Sect. 5. Section seven of said chapter two hundred and  
2 nine is hereby amended by striking out all of said section  
3 and inserting in place thereof the following:

‘Sect. 7. No ordinance or by-law enacted under the pow-  
2 ers hereby conferred shall be in force and effect until ac-  
3 cepted by a majority of the electors of the city, town or  
4 village corporation voting at a regular election for the elec-  
5 tion of municipal officers of such city, town or village cor-  
6 poration or for the election of one or more members of any  
7 city council or at a special election duly warned, called and  
8 conducted in the same manner as required for such regular  
9 election. At the time of the submission to the voters, the  
10 question shall be submitted in this form: “Shall the Zoning  
11 Ordinance be Accepted?” Those favoring the acceptance  
12 shall vote “Yes,” those opposed shall vote “No.”’