

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 1632

H. P. 1116

House of Representatives, October 29, 1957

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Earles of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Relating to Municipal Zoning Boards of Appeal.

Emergency preamble. Whereas, the 98th Legislature by appropriate enactment established a general law governing municipal zoning boards of appeal; and

Whereas, municipal zoning boards of appeal established prior to August 28, 1957 are no longer legally operative under the provisions of the general law now in effect; and

Whereas, the organization of municipal zoning boards of appeal permitted under the general law is ill suited to the diverse and serious conditions faced by the larger municipalities of this State; and

Whereas, the following legislation is urgently necessary to permit utilization by the municipalities of formerly constituted zoning boards of appeal in resolving current exigencies; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine, and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

R. S., c. 90-A, § 61, sub-§ III, ¶ A, amended. Paragraph A of subsection III of section 61 of chapter 90-A of the Revised Statutes, as enacted by section 1 of chapter 405 of the public laws of 1957, is hereby amended by adding at the end the following blocked paragraph:

‘Notwithstanding the provisions of paragraph A, Boards of Zoning Appeal and Zoning Adjustment established prior to August 28, 1957 may be preserved as constituted, provided that the municipal officers of a municipality shall elect to preserve such Boards within 30 days following the effective date of this act. In the event that the municipal officers shall elect to preserve or re-establish a Board of Zoning Appeal or Zoning Adjustment under the provisions of this act, such action shall be effective for all purposes upon the day next succeeding the day upon which such election shall have been made.’

Emergency clause. In view of the emergency cited in the preamble, this act shall take effect when approved.