

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1665

S. P. 651

In Senate, January 13, 1958

The Committee on Legal Affairs suggested.

CHESTER T. WINSLOW, Secretary

Presented by Senator Boucher of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-EIGHT

AN ACT Creating a Planning and Zoning Board for the City of Lewiston.

Emergency preamble. Whereas, the City of Lewiston is now planning a survey of traffic and parking; and

Whereas, this new combined board is necessary for the successful functioning of this survey which is to be made jointly by the State of Maine and the City of Lewiston; and

Whereas, for the best interests of the citizens of the City of Lewiston this new board should be created to preserve the rights of the inhabitants of the City of Lewiston; 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:

Sec. 1. P. & S. L., 1939, c. 8, Art. XV-B, additional. Chapter 8 of the private and special laws of 1939, as amended, is further amended by adding thereto a new article, to be numbered XV-B, to read as follows:

'ARTICLE XV-B

Planning and Zoning Board.

Sec. 1. Appointment of members. A planning and zoning board is hereby created, which shall consist of 5 members, who shall be appointed by the mayor for terms of 5 years and until their successors have been appointed and have

qualified; except that at the time of appointing the first board, the mayor shall appoint one member for one year, one member for 2 years, one member for 3 years, one member for 4 years and one member for 5 years. Vacancies occurring in the board shall be filled by appointment by the mayor for the unexpired term, provided that if no appointment be made for a period of one month after the vacancy occur, it shall be filled by the remaining members of the board.

Sec. 2. Duties. It shall be the duty of the planning and zoning board to:

I. Administer such zoning laws as are now in effect in the City of Lewiston and any others that shall hereafter be enacted;

II. Consider the needs of the city for the improvement, replacement or alteration of existing facilities and the acquisition or construction of additional facilities and the order in which projects ought to be undertaken over a period of years, giving all departments an opportunity to present the importance and urgency of projects in their respective jurisdictions;

III. Carry out such other duties as the board of aldermen shall from time to time assign to it.

All powers and duties of the planning and zoning board shall be subject to the provisions of the Revised Statutes of 1954, chapter 90-A, sections 61 and 62, as enacted by the public laws of 1957, chapter 405, section 1.

Sec. 3. Building inspector; building permits. The planning and zoning board shall appoint a building inspector, whose duties and tenure of office shall be prescribed by said board and whose salary shall be set by the board, subject to the approval of the board of finance. No building shall be constructed or repaired until a permit authorizing the same has first been issued by the inspector. The fee for said permit shall be based on the rate of \$1 for each \$1,000 of the cost of construction or repair, but no fee shall be in excess of \$100.

Sec. 4. Public hearings and reports. The planning and zoning board shall hold public hearings on all projects involving an estimated expenditure in excess of \$25,000. It shall report its recommendations to the board of finance on specific projects after such hearings.

It may, from time to time, report to the board of finance its recommendations with respect to plans for municipal projects over a term of years and the order in which they ought to be undertaken, and shall not be bound by recommendations previously made. Its recommendations in all cases shall be advisory only.

Notice of the time and place of the public hearings, and of their meetings, shall be kept conspicuously posted in the office of the city clerk. The said board shall have the power to enact rules governing the administration of its affairs not inconsistent with the provisions of law.

Sec. 5. Compensation. The members of the planning and zoning board shall receive as full compensation for the performance of their official duties the sum of \$5 per meeting, but not to exceed the sum of \$120 each in any one year.'

Sec. 2. P. & S. L., 1939, c. 8, Art. XV-A, repealed. Article XV-A of chapter 8 of the private and special laws of 1939, as enacted by chapter 174 of the private and special laws of 1951, is repealed.

Sec. 3. P. & S. L., 1939, c. 8, Art. XVI, § 21, repealed. Section 21 of article XVI of chapter 8 of the private and special laws of 1939, as enacted by section 3 of chapter 209 of the private and special laws of 1949, is repealed.

Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this act shall take effect when approved, only for the purpose of permitting its submission to the legal voters of the City of Lewiston at the next regular city election to be held on the 3rd Monday in February, 1958, or at a special election to be called and held for the purpose within 3 months after approval of this act. Such special election shall be called, advertised and conducted according to the law relating to municipal elections; provided that the board of registration in said City of Lewiston shall not be required to prepare for posting, nor the city clerk to post, a new list of voters and for the purpose of registration of voters said board shall be in session the 3 secular days next preceding such election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of said lists and to complete and close up its records of said sessions. A check list shall be used at such election.

The city clerk shall prepare the required ballots, on which he shall reduce the subject matter of this act to the following question: "Shall the Act Creating a Planning and Zoning Board for the City of Lewiston, passed in the 2nd Special Session of the 98th Legislature, be accepted?" and the voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same.

This act shall take effect for all the purposes hereof immediately upon its acceptance by a majority vote of the legal voters voting at said election; provided that the total number of votes cast for and against the acceptance of this act at said election equaled or exceeded 20% of the total vote for all candidates for Governor in said city at the next preceding gubernatorial election.

The result of such election shall be declared by the municipal officers of the City of Lewiston and due certificate thereof shall be filed by the city clerk with the Secretary of State.