

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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ment may take over the maintenance of ~~such~~ portions of controlled access highways within compact sections as it ~~deems~~ determines advisable. The department may ~~in respect thereto~~ grant ~~such~~ these towns ~~such~~ financial assistance as it ~~deems~~ determines advisable to carry out the purposes of this section.

See title page for effective date.

## CHAPTER 47

S.P. 232 - L.D. 562

### An Act to Establish Criteria for Adopting a Moratorium in the Jurisdiction of the Maine Land Use Regulation Commission

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** emergencies arise from time to time which pose an immediate threat to public health and safety and to the environment; and

**Whereas,** the authority of the Maine Land Use Regulation Commission to impose a moratorium on development is not clear; and

**Whereas,** development pressures in Maine's unorganized territories have reached unprecedented levels threatening sensitive environmental resources; and

**Whereas,** moratoria have proven to be an essential land use management tool to allow regulatory bodies the opportunity to effectively plan for the future; and

**Whereas,** a lack of clear authority of the Maine Land Use Regulation Commission to adopt moratoria frustrates the ability of State Government to fulfill its responsibility to ensure the public health, safety and welfare and may lead to irreparable damage to the natural resources of the unorganized territories; 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. 12 MRSA §682, sub-§8-A** is enacted to read:

**8-A. Moratorium.** "Moratorium" means a temporary land use regulation or ordinance approved by the commission or a municipal legislative body which prevents development or subdivision by withholding authorization or approval necessary for development.

**Sec. 2. 12 MRSA §685-B, sub-§10** is enacted to read:

**10. Moratorium.** The commission may adopt a moratorium on the processing or issuance of development permits on a township-by-township basis, on portions of a township or on portions of the territory under its jurisdiction. Any moratorium adopted by the commission must meet the following requirements.

A. The moratorium must be necessary:

(1) To prevent the shortage or overburdening of public facilities which would otherwise occur during the effective period of the moratorium or which is reasonably foreseeable as a result of any proposed or anticipated development; or

(2) Because the application of existing comprehensive plans, land use or zoning regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.

B. The moratorium must be of a definite term not to exceed 180 days except that the moratorium may be extended for additional 180-day periods provided that the commission:

(1) Finds that the problem creating the need for a moratorium still exists; and

(2) Finds that reasonable progress is being made to alleviate the problem creating the need for a moratorium.

C. Any organized town or plantation which has petitioned the commission to remove that town or plantation from the jurisdiction of the Maine Land Use Regulation Commission in compliance with section 685-A, subsection 4, may, through a town meeting, vote to adopt a moratorium to provide a period of time for the town or plantation to adopt a local comprehensive plan and zoning ordinance and to establish a municipal reviewing authority. The moratorium must be in compliance with paragraphs A and B. The municipal officers, acting in place of the commission, may extend the moratorium pursuant to paragraph B after notice and hearing.

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

Effective April 20, 1989.