

§4314. Transition; savings clause

1. Comprehensive plan. A municipal comprehensive plan adopted or amended by a municipality under former Title 30, chapter 239, subchapter 5 or 6 remains in effect until amended or repealed in accordance with the procedures, goals and guidelines established in this subchapter. [PL 2003, c. 641, §2 (AMD).]

2. Shoreland and floodplain zoning ordinances. Notwithstanding section 4352, subsection 2, any portion of a zoning ordinance that is not consistent with a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter is no longer in effect 24 months after adoption of the plan unless the ordinance:

A. Does not regulate land use beyond the area required by Title 38, chapter 3, subchapter 1, article 2-B; or [PL 2003, c. 641, §3 (NEW).]

B. Is adopted pursuant to and complies with the provisions of Title 38, section 440 and complies with the requirements of the Federal Flood Insurance Program. [PL 2003, c. 641, §3 (NEW).]
[PL 2003, c. 641, §3 (RPR).]

3. Rate of growth, zoning and impact fee ordinances. After January 1, 2003, any portion of a municipality's or multimunicipal region's rate of growth, zoning or impact fee ordinance must be consistent with a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter. The portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified by a court or during a comprehensive plan review by the department in accordance with section 4347-A, subsection 3-A remains in effect. For purposes of this subsection, "zoning ordinance" does not include an ordinance that applies townwide that is a cluster development ordinance or a design ordinance prescribing the color, shape, height, landscaping, amount of open space or other comparable physical characteristics of development. The portion of a rate of growth, zoning or impact fee ordinance that is not consistent with a comprehensive plan is no longer in effect unless:

A. [PL 2001, c. 406, §3 (RP).]

B. [PL 2001, c. 406, §3 (RP).]

C. The ordinance or portion of the ordinance is exempted under subsection 2; [PL 2001, c. 406, §3 (NEW).]

D. The municipality or multimunicipal region is under contract with the department to prepare a comprehensive plan or implementation program, in which case the ordinance or portion of the ordinance remains valid for up to 4 years after receipt of the first installment of its first planning assistance grant or for up to 2 years after receipt of the first installment of its first implementation assistance grant, whichever is earlier; [PL 2011, c. 655, Pt. JJ, §16 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

E. The ordinance or portion of the ordinance conflicts with a newly adopted comprehensive plan or plan amendment adopted in accordance with the procedures, goals and guidelines established in this subchapter, in which case the ordinance or portion of the ordinance remains in effect for a period of up to 24 months immediately following adoption of the comprehensive plan or plan amendment; [PL 2005, c. 397, Pt. A, §31 (RPR).]

F. The municipality or multimunicipal region applied for and was denied financial assistance for its first planning assistance or implementation assistance grant under this subchapter due to lack of state funds on or before January 1, 2003. If the department subsequently offers the municipality or multimunicipal region its first planning assistance or implementation assistance grant, the municipality or multimunicipal region has up to one year to contract with the department to prepare a comprehensive plan or implementation program, in which case the municipality's or

multimunicipal region's ordinances will be subject to paragraph D; or [PL 2011, c. 655, Pt. JJ, §16 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

G. The ordinance or portion of an ordinance is an adult entertainment establishment ordinance, as defined in section 4352, subsection 2, that has been adopted by a municipality that has not adopted a comprehensive plan. [PL 2003, c. 595, §3 (NEW).]
[PL 2011, c. 655, Pt. JJ, §16 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

4. Encumbered balances at year-end.

[PL 2003, c. 641, §5 (RP).]

SECTION HISTORY

PL 1991, c. 722, §6 (NEW). PL 1991, c. 722, §11 (AFF). PL 1993, c. 73, §1 (AMD). PL 1993, c. 166, §4 (AMD). PL 1993, c. 721, §A1 (AMD). PL 1993, c. 721, §H1 (AFF). PL 2001, c. 406, §3 (AMD). PL 2001, c. 578, §10 (AMD). PL 2003, c. 595, §§1-3 (AMD). PL 2003, c. 641, §§2-5 (AMD). PL 2005, c. 397, §A31 (AMD). PL 2007, c. 247, §1 (AMD). PL 2011, c. 655, Pt. JJ, §16 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF).

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