



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 772

S.P. 331

In Senate, February 21, 2023

An Act to Establish a Process to Vest Rights for Land Use Permit Applicants

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator POULIOT of Kennebec.
Cosponsored by Senator: HICKMAN of Kennebec, Representatives: BOYLE of Gorham,
COLLINGS of Portland, MORRIS of Turner.

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

2 **Sec. 1. 12 MRSA §685-C, sub-§13** is enacted to read:

3 **13. Right established; right accrual.** An applicant for a permit required by a land
4 use ordinance has the right for the commission to consider the approval, disapproval or
5 conditional approval of an application for the permit solely on the basis of any orders,
6 regulations, ordinances, rules, expiration dates, fees or other requirements in effect at the
7 time the original application for the permit is filed for review for any purpose, including
8 review for administrative completeness. A right to which a permit applicant is entitled
9 under this subsection accrues on the filing of an original application that gives the
10 commission fair notice of the project and the nature of the permit sought. An application
11 is considered filed on the date the applicant delivers the application to the commission or
12 deposits the application with the United States Postal Service by certified mail addressed
13 to the commission. A certified mail receipt obtained by the applicant at the time of deposit
14 is prima facie evidence of the date the application was deposited with the United States
15 Postal Service.

16 **Sec. 2. 30-A MRSA §4364-D** is enacted to read:

17 **§4364-D. Consideration of land use permit**

18 **1. Right established.** An applicant for a permit required by a land use ordinance has
19 the right for a municipality to consider the approval, disapproval or conditional approval
20 of an application for the permit solely on the basis of any orders, regulations, ordinances,
21 rules, expiration dates, fees or other requirements in effect at the time the original
22 application for the permit is filed for review for any purpose, including review for
23 administrative completeness.

24 **2. Right accrual.** A right to which a permit applicant is entitled under this section
25 accrues on the filing of an original application that gives a municipality fair notice of the
26 project and the nature of the permit sought. An application is considered filed on the date
27 the applicant delivers the application to the municipality or deposits the application with
28 the United States Postal Service by certified mail addressed to the municipality. A certified
29 mail receipt obtained by the applicant at the time of deposit is prima facie evidence of the
30 date the application was deposited with the United States Postal Service.

31 **SUMMARY**

32 This bill gives an applicant for a land use permit the right to have a municipality or the
33 Maine Land Use Planning Commission review the application solely on the basis of any
34 orders, regulations, ordinances, rules, expiration dates, fees or other requirements in effect
35 at the time the original application for the land use permit is filed for review.