

MAINE STATE LEGISLATURE

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AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 93, L.D. 117, Bill, "An Act To Amend Provisions of the Maine Land Use Regulation Commission Law"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, the Department of Conservation, Maine Land Use Regulation Commission has responsibility for sound planning and administers land use control within the unorganized and deorganized areas of the State; and

Whereas, the Maine Land Use Regulation Commission provides services to certain towns and plantations; and

Whereas, application fees and fees assessed for services provided to towns by the Maine Land Use Regulation Commission must be fair; 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,

COMMITTEE AMENDMENT

Revis

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

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Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 1995, c. 487, §1, is further amended to read:

B. The fee prescribed by the commission rules, that fee to be a minimum of \$50 but no greater than 1/4 of 1% of the total development costs, except that the fee for subdivision applications is \$300 per lot. Zoning petitions submitted by other than a state or federal agency range from \$50 to \$500 depending on size and complexity. The fees apply to all amendments except for minor changes to building permits. ~~A fee may not be assessed for a petition that seeks to change an area's designation under section 685-A from a management district to a development district;~~

Sec. 2. 12 MRSA §685-C, sub-§3, as amended by PL 1977, c. 694, §234, is further amended to read:

3. Schedule of fees. The commission shall adopt rules in accordance with Title 5, chapter 375, subchapter 2 to establish and amend a schedule of reasonable fees for the administration of this chapter. The fees shall be adopted and amended, in accordance with procedures for the establishment of rules and regulations pursuant to Title 5, chapter 375, subchapter II. Amendments to those rules adopted after October 1, 2005 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

No approval, certificate, special exception, or variance shall may be issued unless or until such fees established by the commission have been paid in full, nor shall may any action be taken on proceedings before the commission unless or until preliminary fees have been paid in full.

Sec. 3. 12 MRSA §685-E, last ¶, as amended by PL 2003, c. 688, Pt. C, §2, is further amended to read:

Beginning with fiscal year 2003-04, a town or a plantation in the commission's jurisdiction that elects not to administer land use controls at the local level but receives commission services or a town or plantation with a portion of its land under the commission's jurisdiction and receiving commission services, including planning, permitting and ensuring compliance, must be assessed a fee equal to .01% of the most recent equalized state valuation established by the State Tax Assessor for that town or plantation or that portion of a town or plantation under the commission's jurisdiction. The State Tax Assessor shall issue a warrant to each such town or plantation no later than March 1st of each year. The warrant is payable on demand. Interest

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charges on unpaid fees begin on June 30th of each year and are compounded monthly at the interest rate for unpaid property tax as established by the State Tax Assessor for the unorganized territory. For any assessment that remains unpaid as of September 1st of the year in which it is due, state revenue sharing to that town or plantation must be reduced by an amount equal to any unpaid warrant amount plus any accrued interest, until the amount is paid. These fees must be deposited to the General Fund.

Sec. 4. Transition. For a town or plantation with only a portion of its land under the jurisdiction of the Department of Conservation, Maine Land Use Regulation Commission and receiving commission services only on that portion, the State Tax Assessor shall recalculate the fee assessed under the Maine Revised Statutes, Title 12, section 685-E for fiscal year 2004-05 and issue a revised warrant for that town or plantation. The town or plantation is not required to pay a warrant issued between January 1st and March 1st of 2005. The town or plantation is required to pay the revised assessment fee within 90 days of receiving the revised warrant. State revenue sharing for that town or plantation for fiscal year 2005-06 may not be reduced under Title 12, section 685-E unless that town or plantation fails to pay the assessment within 150 days of receiving the revised warrant.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.'

SUMMARY

This amendment retains the permitting fee ranges in statute proposed for repeal in the bill and designates any revised rules establishing new fees as major substantive rules. It adds to the bill an emergency preamble and transition language directing the State Tax Assessor to revise fees already assessed for the Department of Conservation, Maine Land Use Regulation Commission services to a town or plantation with only a portion of its land under Maine Land Use Regulation Commission jurisdiction.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 117

LR 0314(02)

An Act To Amend Provisions of the Maine Land Use Regulation Commission Law

Fiscal Note for Bill as amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Undetermined current biennium revenue decrease - General Fund

Possible biennium revenue increase - General Fund

Fiscal Detail and Notes

Basing the assessment fee on a portion of a town's land rather than the equalized state valuation of the entire town will reduce General Fund revenue beginning in the 2006-2007 biennium. The amount can not be determined at this time and will depend on the value of the effected property.

Allowing the Maine Land Use Regulation Commission within the Department of Conservation to adopt rules to establish fees may increase General Fund revenues collected by the commission. Any increased amounts will depend on the fees established by the commission and can not be determined at this time.