

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1442

S.P. 479

In Senate, May 6, 1987

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator ANDREWS of Cumberland.

Cosponsored by Representative MAYO of Thomaston,
Representative CARTER of Winslow, Senator RANDALL of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Enhance Local Control of Community
2 Growth and Strengthen Maine's Land Use Laws.
3

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

6 Sec. 1. 5 MRSA §3307-B is enacted to read:

7 §3307-B. Community Growth Management Fund

8 1. Establishment. There is established a Commu-
9 nity Growth Management Fund as a nonlapsing fund to
10 provide assistance to municipalities and regional
11 councils in planning for and managing land use devel-
12 opment.

13 2. Revenues. The Treasurer of State shall cred-
14 it to this fund all revenues received pursuant to the

1 Land Speculation Tax, Title 36, chapter 711-B. All
2 interest on this account shall accrue to the fund.

3 3. Disbursements. The State Planning Office
4 shall develop and administer a grants program to as-
5 ist towns and regional councils in the development
6 and implementation of sound land use planning and de-
7 velopment ordinances.

8 Sec. 2. 12 MRSA §681, as amended by PL 1975, c.
9 508, §1, is further amended by adding after the first
10 paragraph a new paragraph to read:

11 The Legislature further finds that the incremen-
12 tal, cumulative effects of numerous small develop-
13 ments have an adverse impact on state and local gov-
14 ernments' ability to provide services to their citi-
15 zens and to maintain the infrastructure supporting
16 those services, the State's economy, its quality of
17 life and natural resources. Therefore, the Legisla-
18 ture declares that the cumulative impacts of develop-
19 ment and the mitigation of these impacts must be con-
20 sidered in the review of all developments subject to
21 this chapter.

22 Sec. 3. 12 MRSA §682, sub-§2, as repealed and
23 replaced by PL 1971, c. 544, §28-B, is amended to
24 read:

25 2. Subdivision. A subdivision is a division of
26 an existing parcel of land into 3 or more parcels or
27 lots within any 5-year period, whether this division
28 is accomplished by platting of the land for immediate
29 or future sale, or by sale of the land by metes and
30 bounds or by leasing.

31 ~~No sale or leasing of any lot or parcel shall be con-~~
32 ~~sidered a subdivision if such lot or parcel is not~~
33 ~~less than 40 acres in size, except where the intent~~
34 ~~of such conveyance is to avoid the objectives of this~~
35 ~~statute.~~

36 Sec. 4. 12 MRSA §682, sub-§11 is enacted to
37 read:

38 11. Cumulative impact of development. "Cumula-
39 tive impact of development" means the adverse impact

1 on the locality's natural environment, quality of
2 life and ability to provide services to its citizens
3 and to maintain the infrastructure supporting those
4 services, which results from the incremental effects
5 of a project when added to other past, present or
6 currently proposed projects. Cumulative impacts can
7 result from individually minor, but collectively sig-
8 nificant, projects taking place over a period of time
9 and over a broad geographic area.

10 **Sec. 5. 12 MRSA §685-B, sub-§4, as amended by PL**
11 **1985, c. 819, Pt. A, §19, is further amended to read:**

12 **4. Criteria for approval.** In approving applica-
13 tions submitted to it pursuant to this section, the
14 commission may impose such reasonable terms and con-
15 ditions as the commission may deem appropriate.

16 In making its findings on the standards set forth in
17 this subsection, the commission shall consider the
18 cumulative impacts of the development proposed in the
19 application.

20 The commission shall approve no application, unless:

21 A. Adequate technical and financial provision
22 has been made for complying with the requirements
23 of the state's air and water pollution control
24 and other environmental laws, and those standards
25 and regulations adopted with respect thereto, in-
26 cluding without limitation the Site Location of
27 Development Law, Title 38, sections 481 to 488,
28 the Minimum Lot Size Law, sections 4807 to
29 4807-G, the Wetlands Law, Title 38, sections 471
30 to 478, the Great Ponds Law, Title 38, chapter 3,
31 subchapter 1, article 1-A, and the Stream Altera-
32 tion Law, Title 38, chapter 3, subchapter I, ar-
33 ticle 2-A, for solid waste disposal, for control-
34 ling of offensive odors and for the securing and
35 maintenance of sufficient healthful water sup-
36 plies; and

37 B. Adequate provision has been made for loading,
38 parking and circulation of land, air and water
39 traffic, in, on and from the site, and for assur-
40 ance that the proposal will not cause congestion or
41 unsafe conditions with respect to existing or

- 1 proposed transportation arteries or methods, and
- 2 C. Adequate provision has been made for fitting
3 the proposal harmoniously into the existing natu-
4 ral environment in order to assure there will be
5 no undue adverse effect on existing uses, scenic
6 character, and natural and historic resources in
7 the area likely to be affected by the proposal,
8 and
- 9 D. Uses of topography, soils and subsoils meet
10 standards of the current soil suitability guide
11 for land use planning in Maine, or which are
12 adaptable to the proposed use pursuant to said
13 guide and will not cause unreasonable soil ero-
14 sion or reduction in the capacity of the land to
15 absorb and hold water, and
- 16 E. The proposal is otherwise in conformance with
17 this chapter and the regulations, standards and
18 plans adopted pursuant thereto.
- 19 F. In the case of an application for a structure
20 upon any lot in a subdivision, that the subdivi-
21 sion has received the approval of the commission.

22 The burden is upon the applicant to demonstrate by
23 substantial evidence that the criteria for approval
24 are satisfied, and that the public's health, safety
25 and general welfare will be adequately protected.
26 The commission shall permit the applicant to provide
27 evidence on the economic benefits of the proposal as
28 well as the impact of the proposal on energy re-
29 sources.

30 **Sec. 6. 30 MRSA §4956, sub-§1, as amended by PL**
31 **1983, c. 458, §10, is further amended to read:**

32 1. Defined. A subdivision is the division of a
33 tract or parcel of land into 3 or more lots within
34 any 5-year period, which period begins after Septem-
35 ber 22, 1971, whether accomplished by sale, lease,
36 development, buildings or otherwise, provided that a
37 division accomplished by devise, condemnation, order
38 of court, gift to a person related to the donor by
39 blood, marriage or adoption, unless the intent of
40 such gift is to avoid the objectives of this section,

1 or by transfer of any interest in land to the owner
2 of land abutting thereon, shall not be considered to
3 create a lot or lots for the purposes of this section.
4

5 In determining whether a tract or parcel of land is
6 divided into 3 or more lots, the first dividing of
7 such tract or parcel, unless otherwise exempted here-
8 in, shall be considered to create the first 2 lots,
9 and the next dividing of either of said first 2 lots,
10 by whomever accomplished, unless otherwise exempted
11 herein, shall be considered to create a 3rd lot, un-
12 less both such dividings are accomplished by a subdivi-
13 der who shall have retained one of such lots for
14 his own use as a single family residence for a period
15 of at least 5 years prior to such 2nd dividing. ~~Lots~~
16 ~~of 40 or more acres shall not be counted as lots.~~

17 For the purposes of this section, a tract or parcel
18 of land is defined as all contiguous land in the same
19 ownership, provided that lands located on opposite
20 sides of a public or private road shall be considered
21 each a separate tract or parcel of land unless such
22 road was established by the owner of land on both
23 sides thereof.

24 A "densely developed area" is defined as any commer-
25 cial, industrial or compact residential area of 10 or
26 more acres with an existing density of at least one
27 principal structure per 2 acres. A principal struc-
28 ture is defined as any building other than one which
29 is used for purposes wholly incidental or accessory
30 to the use of another building on the same premises.

31 Sec. 7. 36 MRSA c. 711-B is enacted to read:

32 CHAPTER 711-B

33 LAND SPECULATION TAX

34 §4645. Tax imposed

35 There is imposed a tax on gains from the sale or
36 exchange of real property in this State.

37 §4646. Definitions

1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Homestead property. "Homestead property"
5 means all separately assessed real property parcels
6 or parts of those parcels used as one, 2 or 3-family
7 residential dwellings, occupied by the seller as his
8 principal residence for more than 6 years, including
9 as much of the abutting land as is reasonably neces-
10 sary for residential purposes, not exceeding 10
11 acres, together with structures situated on that
12 abutting land and used in conjunction with that land,
13 including dwellings that are used in part for nonres-
14 idential purposes, including farming, but which are
15 used primarily for residential purposes.
16 Seller-occupied and separately assessed mobile homes
17 are included in this definition.

18 2. Principal residence. "Principal residence"
19 means the principal dwelling of a resident individual
20 as defined in section 5102.

21 3. Real property. "Real property" means all
22 land and improvements including structures, but ex-
23 cludes homestead property.

24 4. Taxable exchange. "Taxable exchange" means
25 any transfer for consideration of the title to or any
26 interest in real property or any lease or rental of
27 real property for a period of more than 10 years.

28 §4647. Exemptions

29 The following transfers are exempt from this
30 chapter:

31 1. Transfer tax exemptions. Any deeds exempt
32 under section 4641-C;

33 2. Nonprofit. Sales to the State from organiza-
34 tions qualifying under the United States Internal
35 Revenue Code, Section 501(c)(3); and

36 3. Products. Sales of gravel, soil, cut timber
37 and similar items.

1 §4648. Rate of tax

2 The tax imposed by section 4645 shall be based
3 upon the amount of the gain as a percentage of the
4 basis as follows:

5	<u>Years land held by</u>	<u>Gain, as a percentage</u>		
6	<u>transferor</u>	<u>of basis (tax cost)</u>		
7		<u>0-99%</u>	<u>100-</u>	<u>200%</u>
8			<u>199%</u>	<u>or more</u>
9	<u>Less than 1 year</u>	<u>30%</u>	<u>45%</u>	<u>60%</u>
10	<u>1 year, but less than 2</u>	<u>25%</u>	<u>37.5%</u>	<u>50%</u>
11	<u>2 years, but less than 3</u>	<u>20%</u>	<u>30%</u>	<u>40%</u>
12	<u>3 years, but less than 4</u>	<u>15%</u>	<u>22.5%</u>	<u>30%</u>
13	<u>4 years, but less than 5</u>	<u>10%</u>	<u>15%</u>	<u>20%</u>
14	<u>5 years, but less than 6</u>	<u>5%</u>	<u>7.5%</u>	<u>10%</u>

15 §4649. Basis and gain defined

16 1. Amount realized. The "amount realized" from
17 the sale or exchange of the property means the full
18 actual consideration for the property, paid or to be
19 paid, including the amount of any mortgages, liens or
20 encumbrances on the property.

21 2. Basis. "Basis" means the basis of the prop-
22 erty as determined under the United States Internal
23 Revenue Code.

24 3. Installment sales. In an "installment sale"
25 of land, the total amount of tax due under this chap-
26 ter shall be the amount that would have been due had
27 the full and actual consideration been paid on the
28 date the sale or exchange took place. The portion of
29 the tax due in any year equals the portion of the
30 gain on sale that would be reportable in that year
31 under the United States Internal Revenue Code, Sec-
32 tion 453. If the United States Internal Revenue Code
33 imposes an interest charge on any deferral of tax,
34 interest at the same rate will be imposed on any de-
35 fferal of the tax due under this chapter.

36 4. Taxable gain. The "taxable gain" from the
37 sale or exchange is the amount realized minus the ba-
38 sis of the property.

1 §4650. Collection

2 The tax shall be due at the time of sale or ex-
3 change. The State Tax Assessor shall provide for the
4 collection of the tax by each register of deeds, and
5 for that purpose may provide for the installation of
6 a meter machine in each registry office.

7 When any deed is offered for recordation, the
8 register of deeds shall ascertain and compute the
9 amount of tax due thereon and shall collect such
10 amount.

11 The amount of tax shall be computed on the con-
12 sideration for the deed as set forth in the "declara-
13 tion of value" prescribed by section 4649.

14 Payment of tax shall be evidenced by affixing
15 such indicia of payment as shall be prescribed by the
16 State Tax Assessor to the declaration of value pro-
17 vided for in section 4641-D.

18 Each register of deeds shall, on or before the
19 10th day of each month, pay over to the State Tax As-
20 essor 90% of the tax collected during the previous
21 month. The remaining 10% shall be retained for the
22 county by the register of deeds and accounted for to
23 the county treasurer as reimbursement for services
24 rendered by the county in collecting the tax.

25 In the event of a dispute as to the correct
26 amount of tax the individual seeking to record the
27 deed may request the State Tax Assessor to determine
28 the correct amount of tax to be paid in order for the
29 deed to be recorded.

30 The State Tax Assessor shall pay all net receipts
31 to the Treasurer of State, who shall credit all of
32 the revenue to the Community Growth Management Fund,
33 Title 5, section 3307-B.

34 Sec. 8. 38 MRSA §435, first ¶, as enacted by PL
35 1985, c. 481, Pt. A, §89, is amended to read:

36 To aid in the fulfillment of the State's role as
37 trustee of its waters and to promote public health,
38 safety and the general welfare, it is declared to be

1 in the public interest that shoreland areas, defined
2 as land within 250 feet of the normal high water mark
3 of any pond, river or salt water body or of any
4 coastal or freshwater wetlands, be subjected to zon-
5 ing and subdivision controls. The purposes of such
6 controls shall be to further the maintenance of safe
7 and healthful conditions; prevent and control water
8 pollution; protect spawning grounds, fish, aquatic
9 life, bird and other wildlife habitat; control build-
10 ing sites, placement of structures and land uses; and
11 conserve shore cover, visual as well as actual points
12 of access to inland and coastal waters and natural
13 beauty.

14 Sec. 9. 38 MRSA §436, sub-§§1-G and 1-H are en-
15 acted to read:

16 1-G. Coastal wetlands. "Coastal wetlands" are
17 defined pursuant to section 472, subsection 2.

18 1-H. Freshwater wetlands. "Freshwater wetlands"
19 are those areas identified pursuant to section 407-A.

20 Sec. 10. 38 MRSA §436, sub-§3, as reallocated by
21 PL 1985, c. 481, Pt. A, §24, is amended to read:

22 3. River. "River" means a free flowing body of
23 water from that point at which it provides drainage
24 for a watershed of 25 10 square miles to its mouth.

25 Sec. 11. 38 MRSA §438, sub-§§4, 5 and 6 are en-
26 acted to read:

27 4. Guidelines. In accordance with Title 5,
28 chapter 375, subchapter II, the board shall adopt
29 and, from time to time, update and amend minimum
30 guidelines for municipal zoning, land use and subdi-
31 vision controls which are designed to carry out the
32 purposes of this article. Such minimum guidelines
33 shall include, without limitation, provisions govern-
34 ing building and structure size, setback and loca-
35 tion; establishment of resource protection, general
36 development, limited residential, commercial fisher-
37 ies and maritime activity zones and other zones.
38 Within each zone, there shall be prescribed uses
39 which may be allowed with or without conditions.
40 There shall also be established criteria for the is-

1 suance of permits and for nonconforming uses, land
2 use standards and administrative and enforcement pro-
3 cedures. The board shall comprehensively review and
4 update its guidelines beginning on January 1, 1988,
5 and shall reevaluate and update the guidelines at
6 least once every 4 years after that time.

7 5. Approval. Acting in accordance with a local
8 comprehensive plan, municipalities shall prepare and
9 submit to the board zoning, land use and subdivision
10 ordinances which are consistent with, or are no less
11 protective than, the minimum guidelines, or amend-
12 ments to the guidelines, adopted by the board. When
13 a municipality determines that special local condi-
14 tions or urbanization within portions of the shore-
15 land zone require a different set of standards than
16 those in the minimum guidelines, it shall document
17 such special conditions and submit them, together
18 with its proposed ordinance provisions, to the board
19 for review and approval. Municipal ordinances and
20 any amendments to the ordinances shall not be effec-
21 tive unless approved by the board. In determining
22 whether to approve municipal ordinances or amendments
23 to the ordinances, the board shall consider the leg-
24 islative purposes described in section 435, the mini-
25 imum guidelines and any special local conditions
26 which, in the judgment of the board, justify a depart-
27 ure from the requirements of the minimum guidelines
28 in a manner which is not inconsistent with the legis-
29 lative purposes described in section 435. Recogniz-
30 ing that the guidelines are intended as minimum stan-
31 dards, the board shall approve a municipal ordinance
32 which imposes more restrictive standards than those
33 in the guidelines.

34 6. Approval of variances. A variance issued by
35 a municipality pursuant to an ordinance adopted under
36 this article shall not be effective unless approved
37 by the commissioner. The commissioner shall approve
38 a variance issued by a municipality when it concurs
39 with the municipality's determination of compliance
40 with the requirements of Title 30, section 4963, sub-
41 section 3, provided that the legislative purposes de-
42 clared in section 435 will not be adversely affected.

43 **Sec. 12. 38 MRSA §481, as amended by PL 1983, c.**
44 **513, §1, is further amended by adding after the first**

1 paragraph a new paragraph to read:

2 The Legislature further finds that the incremental,
3 cumulative effects of numerous small develop-
4 ments have an adverse impact on the state and local
5 governments' ability to provide services to their
6 citizens and to maintain the infrastructure support-
7 ing those services, the State's economy, its quality
8 of life and natural resources. Therefore, the Leg-
9 islature declares that the cumulative impacts of de-
10 velopment and the mitigation of these impacts must be
11 considered in the review of all developments subject
12 to this article.

13 **Sec. 13. 38 MRSA §482, sub-§1-A is enacted to**
14 **read:**

15 1-A. Cumulative impact of development. "Cumula-
16 tive impact of development" means the adverse impact
17 on the locality's natural environment, quality of
18 life and ability to provide services to its citizens
19 and to maintain the infrastructure supporting those
20 services, which results from the incremental effects
21 of a project when added to other past, present or
22 currently proposed projects. Cumulative impacts can
23 result from individually minor, but collectively sig-
24 nificant, projects taking place over a period of time
25 and over a broad geographic area.

26 **Sec. 14. 38 MRSA §482, sub-§2-D is enacted to**
27 **read:**

28 2-D. Multiunit housing. "Multiunit housing"
29 means a building containing 2 or more dwelling units
30 defined as condominium units pursuant to Title 33,
31 chapter 31, or as time-share units pursuant to Title
32 33, chapter 10-A, or which contains 2 or more dwell-
33 ing units offered for rent or lease, including, but
34 limited to, apartments, motels and hotels.

35 **Sec. 15. 38 MRSA §482, sub-§5, ¶A, as repealed**
36 **and replaced by PL 1975, c. 712, is repealed.**

37 **Sec. 16. 38 MRSA §482, sub-§5, ¶B, as amended by**
38 **PL 1981, c. 227, §1, is repealed.**

39 **Sec. 17. 38 MRSA §482, sub-§5, ¶C, as amended by**

1 PL 1983, c. 788, §1, is repealed.

2 Sec. 18. 38 MRSA §482, sub-§5, ¶E, as amended by
3 PL 1985, c. 654, is further amended to read:

4 E. In those subdivisions which would otherwise
5 not require site location approval, unless in-
6 tended to circumvent this Article, the following
7 transactions shall not, except as hereinafter
8 provided, be considered lots offered for sale or
9 lease to the general public:

10 (1) Sale or lease of mainland lots of 1/2
11 acre or less in size which serve as parking
12 lots and points of access to the water by
13 boats for island property owners; and

14 (2) Sale or lease of common lots created
15 with a conservation restriction as defined
16 in Title 33, section 667 476.

17 These exceptions shall not apply, and the subdivi-
18 sion will require site location approval, when-
19 ever the use of a lot described in subparagraph
20 (1) or (2) changes or the lot is offered for sale
21 or lease to the general public without the limi-
22 tations set forth in subparagraph (1) or (2);

23 Sec. 19. 38 MRSA §482, sub-§5, ¶G, as enacted by
24 PL 1985, c. 654, is repealed.

25 Sec. 20. 38 MRSA §482, sub-§5, ¶H, as enacted by
26 PL 1985, c. 654, is amended to read:

27 H. Five years after a subdivider establishes a
28 single-family residence for his own use on a lot
29 and actually uses the lot for that purpose during
30 that period, that lot shall not be counted as a
31 lot; or

32 Sec. 21. 38 MRSA §482, sub-§5, ¶I is enacted to
33 read:

34 I. When the parcel abuts a great pond, river
35 draining more than 10 square miles or a marine or
36 estuarine body of water, a "subdivision" is a di-
37 vision of a parcel of land into 5 or more lots to

1 be offered for sale or lease to the general pub-
2 lic during any 5-year period if such lots make up
3 an aggregate land area of more than 10 acres.

4 Sec. 22. 38 MRSA §482, sub-§6, ¶A, as enacted by
5 PL 1975, c. 214, is amended to read:

6 A. A building or buildings on a single parcel
7 constructed ~~or~~, erected or converted with a fixed
8 location on or in the ground or attached to some-
9 thing on or in the ground which occupies a ground
10 area in excess of 60,000 square feet or which en-
11 compasses 10 or more units of multiunit housing;
12 or

13 Sec. 23. 38 MRSA §484, as amended by PL 1985,
14 c.746, §21, is further amended by adding after the
15 2nd paragraph a new paragraph to read:

16 In making its findings on the standards set forth
17 in this section, the board shall consider the cumula-
18 tive impacts of the proposed development.

19 Sec. 24. 38 MRSA §484, 4th ¶, as amended by PL
20 1977, c. 696, §343, is further amended to read:

21 In case of a permanently installed power generat-
22 ing facility of more than 1,000 kilowatts or a trans-
23 mission line carrying 100 kilovolts or more proposed
24 to be erected within this State by an electrical com-
25 pany or companies, the proposed development, in addi-
26 tion to meeting the requirements of subsections 1 to
27 4 6, shall also have been approved by the Public
28 Utilities Commission under Title 35, section 13-A.

29 Sec. 25. 38 MRSA §484, sub-§§6 and 7 are enacted
30 to read:

31 6. Public access. When the development abuts a
32 great pond, river draining more than 10 square miles,
33 or marine or estuarine body of water, the development
34 will not unreasonably reduce public access to those
35 waters.

36 7. Infrastructure. The developer has made ade-
37 quate provision of water supply, sewerage facilities,
38 roadways and open space required for the development

1 and that the development will not have an unreason-
2 able adverse effect on the existing water supply,
3 sewerage facilities, roadways and open space in the
4 municipality or area served by those services or open
5 space.

6 **Sec. 26. Maine Commission on Land Conservation**
7 **and Economic Development Established.** There is es-
8 tablished a Maine Commission on Land Conservation and
9 Economic Development. The commission shall be com-
10 posed of 15 members. The President of the Senate and
11 the Speaker of the House shall each appoint one mem-
12 ber from each of the following: The Joint Standing
13 Committee on Energy and Natural Resources; the Joint
14 Standing Committee on State and Local Government; and
15 the Joint Standing Committee on Economic Development.
16 The Governor shall appoint as members the Director of
17 the State Planning Office, the Director of the State
18 Development Office, the Commissioner of Environmental
19 Protection and 6 representatives of the general pub-
20 lic chosen to represent a broad range of interests,
21 including municipal governments, conservation groups,
22 natural resource-based industries and the housing in-
23 dustry. The commission shall select a chairman from
24 its membership.

25 The commission shall conduct a study of the rela-
26 tionship between the well-being of the State's envi-
27 ronment, the rapid growth in land use pressures, the
28 quality of life for Maine citizens and stable, long-
29 term economic development. The commission shall re-
30 view the findings and recommendations of recent
31 studies on state and local growth management prob-
32 lems. The commission shall hold public hearings in
33 all regions of the State to solicit public input.
34 The commission shall report its findings and recom-
35 mendations to the Second Regular Session of the 113th
36 Legislature by February 15, 1988.

37 Commission members, except those representing the
38 executive branch of government, shall be reimbursed
39 for all expenses and shall be compensated in the same
40 manner as Legislators pursuant to the Maine Revised
41 Statutes, Title 3, section 2.

42 The commission may retain staff and consultants
43 to provide professional and clerical support for the

1 commission's activities. The commission may also re-
2 quest staff assistance from the Legislative Council.
3 The Executive Director of the Legislative Council
4 shall provide assistance in the administration of
5 commission members' compensation and expenses, per-
6 sonnel payroll and benefits. The commission may re-
7 quest staff support from the State Planning Office,
8 the State Development Office and the Department of
9 Environmental Protection. These offices and the de-
10 partment shall provide assistance if so requested.

11 The commission's final report and recommendations
12 shall be consistent with the following policies:

13 1. Providing for a strong partnership between
14 State Government and local government to improve land
15 use planning efforts and to ensure that adequate
16 technical and financial resources are available to
17 municipalities for comprehensive planning efforts,
18 development of land use ordinances and enforcement of
19 land use laws;

20 2. Conserving the diversity and abundance of the
21 State's outstanding scenic, wildlife, fisheries, rec-
22 reational and other natural resources;

23 3. Maintaining the vitality of the State's natu-
24 ral resource-based industries through reservation of
25 working harbors for marine-related industries, pres-
26 ervation of access to the coast and prevention of
27 prime agricultural and forest-land loss;

28 4. Accommodating needed residential, commercial
29 and industrial development that provides long-term,
30 high quality employment for Maine citizens;

31 5. Minimizing the cost of providing new
32 infrastructure and public services and ensuring that
33 development not exceed a community's ability to pro-
34 vide services to its residents;

35 6. Concentrating rather than dispersing develop-
36 ment and discouraging strip development along road-
37 ways to preserve the traditional character of the
38 State's towns and cities;

39 7. Promoting the availability of affordable

1 housing in all the State's communities; and

2 8. Ensuring that land use decisions made at the
3 state and local levels are timely and consistent in
4 order to facilitate appropriate development that
5 meets state and local land use objectives.

6 **Sec. 27. Appropriation.** The following funds are
7 appropriated from the General Fund to carry out the
8 purposes of this Act.

	<u>1987-88</u>
9	
10 <u>LEGISLATURE</u>	
11 Personal Services	\$10,080
12 All Other	20,150
13	
14 Total	<u>\$30,230</u>

1

STATEMENT OF FACT

2 This bill strengthens state and local govern-
3 ments' ability to respond to unprecedented develop-
4 ment pressure occurring in many sections of the
5 State. The bill accomplishes this objective by
6 strengthening key provisions of state and local land
7 use laws and by providing additional financial and
8 technical resources to cities and towns to administer
9 their existing land use controls. The bill also es-
10 tablishes a process to conduct a comprehensive review
11 of the problem and to develop recommendations ad-
12 dressing the critical problems of development.

13 Recent studies by the State have concluded that
14 existing land use laws have failed to control the
15 negative impacts of development. In addition, many
16 communities lack the resources to plan for and guide
17 development under even their existing, inadequate au-
18 thority. These same communities face mounting
19 pressures from development on their municipal ser-
20 vices, local property tax burden, quality of life,
21 natural resources and access to bodies of water for
22 recreation and economic activity.

23 This bill provides financial resources to munici-
24 palities and regional councils to assist them in con-
25 trolling their future through adequate planning and
26 implementation of local land use ordinances. The
27 bill raises the necessary revenue through a land
28 speculation tax targeted towards those profiting from
29 the development boom.

30 The bill closes major loopholes in state and lo-
31 cal land use laws that currently allow developers to
32 escape scrutiny. The changes include removal of the
33 provision that exempts lots of 40 acres or more from
34 subdivision review and other acreage and lot configu-
35 ration exemptions. The bill also makes it clear that
36 multiunit housing developments of 10 or more units,
37 including condominiums, condominium versions, motels
38 and apartments are subject to state and local site
39 and subdivision review.

40 The bill directs the Board of Environmental Pro-
41 tection and the Maine Land Use Regulation Commission

1 to consider the cumulative impacts of development in
2 their review of applications. Developers are re-
3 quired to demonstrate that their projects will not
4 reduce public access to the waterfront. Other provi-
5 sions address the cumulative impacts of development
6 on the delivery of local services. The bill also
7 amends the shoreland zoning laws to include land
8 around freshwater and coastal wetlands and to include
9 rivers draining at least 10 square miles. State re-
10 view of shoreland zoning ordinances is strengthened.

11 Finally, the bill establishes a Commission on
12 Land Conservation and Economic Development composed
13 of members of the Legislature, various interested
14 parties and the general public. The commission is
15 directed to study the social, economic and environ-
16 mental impacts of increasing growth and land use
17 pressure in the State communities. The commission
18 will report its findings and recommendations for leg-
19 islative action to the Second Regular Session of the
20 113th Legislature.

21

0776042487