MAINE STATE LEGISLATURE

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	L.D. 63
2	(Filing No. H- 22)
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	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES 115TH LEGISLATURE
10	FIRST REGULAR SESSION
12	COMMITTEE AMENDMENT "A" to H.P. 44, L.D. 63, Bill, "An Act
14	Concerning Capital Improvements and Impact Fees"
16	Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its
18	place the following:
20	'Sec. 1. 30-A MRSA §4301, sub-§6-A is enacted to read:
22	6-A. Impact fee. "Impact fee" means a charge or assessment
	imposed by a municipality against a new development to fund or
24	recoup the cost of new, expanded or replacement infrastructure
	facilities necessitated by and attributable to the new
26	development.
28	Sec. 2. 30-A MRSA §4354, first ¶, as amended by PL 1989, c. 562, \$16, is further amended to read:
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	A municipality may enact an ordinance under its home rule
32	authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the
34	construction. Notwithstanding section 3442, an impact fee may be
	imposed that results in a developer or developers paying the
36	entire cost of an infrastructure improvement. A municipality may
	impose an impact fee either before or after completing the
8 8	infrastructure improvement. No later than 2 years after the
	applicable deadlines established under section 4343, subsection
10	 any impact fee ordinance must have been adopted as part of a certified local growth management program.

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COMMITTEE AMENDMENT "A" to H.P. 44, L.D. 63

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improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the

10 <u>development</u>.'

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STATEMENT OF FACT

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This amendment replaces the bill. The amendment clarifies the definition of "impact fees" contained in the bill, allows a municipality to assess impact fees for up to 100% of the cost of an infrastructure improvement and allows a municipality to assess an impact fee for the costs of infrastructure improvements constructed prior to the new development, provided that the impact fee assessed is reasonably related to the percentage of the infrastructure used by the development.

Reported by the Committee on Energy and Natural Resources Reproduced and distributed under the direction of the Clerk of the

3/5/91

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