

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

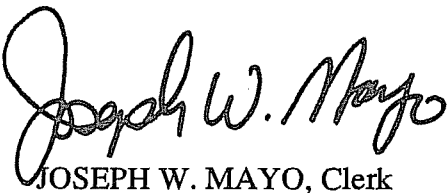
No. 511

H.P. 398

House of Representatives, February 16, 1993

An Act to Authorize Farmland Protection Impact Fees.

Reference to the Committee on Taxation suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative NICKERSON of Turner.
Cosponsored by Representative: STEVENS of Sabattus.

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

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Sec. 1. 30-A MRSA §4354-A is enacted to read:

§4354-A. Farmland protection impact fee

In addition to any impact fee required by an ordinance adopted under section 4354, a municipality may enact under its home rule authority an ordinance requiring the payment of an impact fee for development occurring on agricultural land and called a farmland protection impact fee.

1. Comprehensive plan. Prior to adoption of an ordinance under this section, a municipality must have in place a comprehensive plan consistent with subchapter II.

2. Use of funds. Funds raised by collection of farmland protection impact fees may be used by the municipality only for the purchase of other agricultural land or the purchase of the development rights to other agricultural land within the municipality. Sellers of the development rights to farmland may continue to hold other ownership rights to that land. Funds not expended within 2 years must be repaid to the developer who paid the farmland protection impact fee.

3. Requirements. An ordinance adopted under this section must:

A. Consistent with the comprehensive plan, identify agricultural land that is subject to the farmland protection impact fee;

B. Identify the types of development on which the farmland protection impact fee may be assessed;

C. Establish a formula for determining the amount of the farmland protection impact fee and a schedule for payment of the fee;

D. Provide for segregation of funds collected under this section from the general funds of the municipality; and

E. Establish a process by which development rights may be repurchased by the seller. The ordinance may contain reasonable penalties to the seller for repurchase.

4. Review of ordinance. At least 30 days before adoption of an ordinance under this section, a municipality shall submit a copy of the proposed ordinance to the Office of Community

2 Development in the Department of Economic and Community
3 Development and to the Department of Agriculture, Food and Rural
4 Resources for review and comment.

6 **STATEMENT OF FACT**

8 This bill authorizes municipalities to adopt an ordinance
9 establishing a farmland protection impact fee. The fee would be
10 imposed on developers of identified agricultural land and would
11 be used by the municipality to buy other undeveloped agricultural
12 land within the municipality or the development rights to such
13 land. Adoption of a farmland protection impact fee would help
14 ensure the continued existence of farmland within a community.