

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1643

H.P. 1211

House of Representatives, March 13, 2001

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**An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances.**

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Submitted by the State Planning Office pursuant to Joint Rule 204.  
Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DAIGLE of Arundel.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: BRUNO of Raymond, COLWELL of Gardiner, COWGER of Hallowell,  
DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, Senators: DAGGETT of Kennebec,  
SAWYER of Penobscot.

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

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Sec. 1. 30-A MRSA §4360 is enacted to read:

**§4360. Rate of growth ordinances**

A municipality may enact an ordinance under its home rule authority limiting the number of building or development permits issued over a designated time frame, referred to in this section as a "growth rate ordinance," only under the following circumstances.

1. Temporary growth rate ordinance. A temporary growth rate ordinance must meet the following requirements:

A. The growth rate ordinance is needed to provide time for the municipality while it takes specific actions to improve facilities or services needed to accommodate growth;

B. The growth rate ordinance is enacted for a definite term, not to exceed one year; and

C. A municipality may not enact a temporary growth rate ordinance more than once during any 5-year period.

2. Ongoing growth rate ordinance. An ongoing growth rate ordinance may be enacted only as part of an integrated growth management strategy that includes the following components:

A. A comprehensive plan adopted under the planning and land use regulation laws under this chapter;

B. A clear justification in the comprehensive plan that:

(1) Identifies existing or projected capacity problems regarding municipal facilities and services;

(2) Provides a strategy in the capital investment plan for increasing capacity regarding municipal facilities and services;

(3) Links the proposed growth rate ordinance to an allocation of existing and future capacity regarding municipal facilities and services;

(4) Provides a basis for the amount of growth to be allowed under the growth rate ordinance that considers the municipality's historic growth rates and its reasonable share of future growth anticipated in the region;

