

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2049

H.P. 1546

House of Representatives, January 4, 2002

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**An Act to Authorize the Transfer of Development Rights.**

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Reported by Representative KOFFMAN for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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

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**Sec. 1. 30-A MRSA §4326, sub-§3, ¶A**, as amended by PL 2001, c. 406, §4, is further amended to read:

A. Identify and designate at least 2 basic types of geographic areas:

(1) Growth areas, which are those areas suitable for orderly residential, commercial and industrial development or any combination of those types of development, forecast over the next 10 years. Each municipality shall:

- (a) Establish standards for these developments;
- (b) Establish timely permitting procedures;
- (c) Ensure that needed public services are available within the growth area; and
- (d) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion; and

(2) Rural areas, which are those areas where protection should be provided for agricultural, forest, open space and scenic lands within the municipality. Each municipality shall adopt land use policies and ordinances to discourage incompatible development.

These policies and ordinances may include, without limitation: density limits; cluster or special zoning; acquisition and transfer of land or development rights; or performance standards.

A municipality is not required to identify growth areas for residential, commercial or industrial growth if it demonstrates that it is not possible to accommodate future residential, commercial or industrial growth in these areas because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations imposed by protected natural resources; or it demonstrates that the municipality has experienced minimal or no residential, commercial or industrial development over the past decade and this condition is expected to continue over the 10-year planning period. A municipality exercising the discretion afforded by this paragraph shall review the basis for its

2 demonstration during the periodic revisions undertaken  
pursuant to section 4327;

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### SUMMARY

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8 This bill authorizes municipalities to establish policies  
and ordinances relating to the transfer of development rights.