

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2062

H.P. 1560

House of Representatives, January 11, 2002

An Act to Clarify the Use of Municipal Rate of Growth Ordinances.

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

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

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

§4360. Rate of growth ordinances

A municipality may enact a rate of growth ordinance under its home-rule authority limiting the number of building or development permits issued over a designated time frame only under the following circumstances.

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

A. The rate of growth 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 rate of growth ordinance is enacted for a definite term, not to exceed 2 years, unless the municipality is granted an exception pursuant to rules established by the office. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter II-A; and

C. The rate of growth ordinance may be enacted only once during any 10-year period.

2. Ongoing rate of growth ordinances that apply to designated growth areas. A municipality with a comprehensive plan adopted under the planning and land use regulation laws under this chapter may adopt an ongoing rate of growth ordinance that applies only to designated growth areas if the rate of growth ordinance requires that the number of permits issued annually under the rate of growth ordinance be determined according to a formula specified in rules adopted by the office. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

3. Ongoing rate of growth ordinances that apply to designated rural areas. Notwithstanding subsection 2, a municipality with a comprehensive plan adopted under the planning and land use regulation laws under this chapter may adopt an ongoing rate of growth ordinance that applies only to designated rural areas if:

A. The rate of growth ordinance is recommended in the comprehensive plan as a mechanism for guiding growth; and

2 B. The comprehensive plan lays out policies and strategies
3 for accommodating most of the community's future growth in
4 designated growth areas.

6 **SUMMARY**

8 This bill is the recommendation of the Joint Study Committee
9 to Study Growth Management. It outlines the parameters within
10 which a municipality may adopt a rate of growth ordinance.
11 Temporary rate of growth ordinances may be enacted only to slow
12 development while a community works toward solving the problems
13 necessitating the rate of growth ordinance. A permanent rate of
14 growth ordinance may be enacted inside a designated growth area
15 only if the ordinance requires that the number of permits issued
16 annually under the rate of growth ordinance be determined
17 according to a formula specified in rules adopted by the State
18 Planning Office. A permanent rate of growth ordinance may be
19 enacted inside a designated rural area only if the ordinance is
20 recommended in the municipality's comprehensive plan as a
21 mechanism for guiding growth and the comprehensive plan lays out
22 policies and strategies for accommodating most of the community's
future growth in designated growth areas.