

MAINE STATE LEGISLATURE

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L.D. 2083

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DATE: 4-5-02

(Filing No. H-1097)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1577, L.D. 2083, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the amendment on page 2 by inserting after the 3rd indented paragraph the following:

'Further amend the bill by striking out all of sections 43 and 44.'

Further amend the amendment by inserting after Part F the following:

PART G

Sec. G-1. 30-A MRSA §4326, sub-§3, ¶A, as amended by PL 2001, c. 592, §1, is repealed.

Sec. G-2. 30-A MRSA §4326, sub-§3-A, ¶A, as enacted by PL 2001, c. 578, §15, is amended to read:

A. Identify and designate geographic areas in the municipality or multimunicipal region as growth areas and rural areas, as defined in this chapter.

(1) Within growth areas, each municipality or multimunicipal region shall:

(a) Establish development standards;

- 2 (b) Establish timely permitting procedures;
- 4 (c) Ensure that needed public services are
available; and
- 6 (d) Prevent inappropriate development in natural
8 hazard areas, including flood plains and areas of
high erosion.
- 10 (2) Within rural areas, each municipality or
12 multimunicipal region shall adopt land use policies and
ordinances to discourage incompatible development.
14 These policies and ordinances may include, without
limitation, density limits, cluster or special zoning,
16 acquisition of land or development rights, transfer of
development rights pursuant to section 4328 and
performance standards. The municipality or
18 multimunicipal region should also identify which rural
areas qualify as critical rural areas as defined in
20 this chapter. Critical rural areas must receive
priority consideration for proactive strategies
22 designed to enhance rural industries, manage wildlife
and fisheries habitat and preserve sensitive natural
24 areas.
- 26 (3) A municipality or multimunicipal region may also
designate as a transitional area any portion of land
28 area that does not meet the definition of either a
growth area or a rural area. Such an area may be
30 appropriate for medium-density development that does
not require expansion of municipal facilities and does
32 not include significant rural resources.
- 34 (4) A municipality or multimunicipal region is not
required to identify growth areas for residential,
36 commercial or industrial growth if it demonstrates that
it is not possible to accommodate future residential,
38 commercial or industrial growth in these areas because
of severe physical limitations, including, without
40 limitation, the lack of adequate water supply and
sewage disposal services, very shallow soils or
42 limitations imposed by protected natural resources.
- 44 (5) A municipality or multimunicipal region is not
required to identify growth areas for residential,
46 commercial or industrial growth if it demonstrates that
the municipality or multimunicipal region has
48 experienced minimal or no residential, commercial or
industrial development over the past decade and this

2 condition is expected to continue over the 10-year
planning period.

4 (6) A municipality or multimunicipal region exercising
6 the discretion afforded by subparagraph 4 or 5 shall
8 review the basis for its demonstration during the
periodic revisions undertaken pursuant to section
4347-A;

10 **Sec. G-3. Effective date.** This Part takes effect 90 days after
12 adjournment of the Second Regular Session of the 120th
Legislature.'

14 Further amend the amendment by relettering or renumbering
16 any nonconsecutive Part letter or section number to read
consecutively.

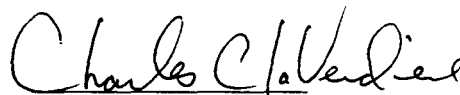
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SUMMARY

22 This amendment removes from the bill a duplicative section
24 that appears both in the bill and Committee Amendment "A." This
26 amendment also corrects a conflict between Public Law 2001,
chapter 578 and Public Law 2001, chapter 592 relating to the
ability of a municipality to transfer development rights.

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30 SPONSORED BY: 
(Representative LaVERDIERE)

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TOWN: Wilton

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