

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
120TH LEGISLATURE  
SECOND REGULAR SESSION

SENATE AMENDMENT "*D*" 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 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 G-1. 30-A MRSA §4326, sub-§3, ¶A,** as amended by PL 2001, c. 592, §1, is repealed.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;

(b) Establish timely permitting procedures;

(c) Ensure that needed public services are available; and

(d) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion.

2 (2) Within rural areas, each municipality or  
3 multimunicipal region shall adopt land use policies and  
4 ordinances to discourage incompatible development.  
5 These policies and ordinances may include, without  
6 limitation, density limits, cluster or special zoning,  
7 acquisition of land or development rights, transfer of  
8 development rights pursuant to section 4328 and  
9 performance standards. The municipality or  
10 multimunicipal region should also identify which rural  
11 areas qualify as critical rural areas as defined in  
12 this chapter. Critical rural areas must receive  
13 priority consideration for proactive strategies  
14 designed to enhance rural industries, manage wildlife  
15 and fisheries habitat and preserve sensitive natural  
16 areas.

17 (3) A municipality or multimunicipal region may also  
18 designate as a transitional area any portion of land  
19 area that does not meet the definition of either a  
20 growth area or a rural area. Such an area may be  
21 appropriate for medium-density development that does  
22 not require expansion of municipal facilities and does  
23 not include significant rural resources.

24 (4) A municipality or multimunicipal region is not  
25 required to identify growth areas for residential,  
26 commercial or industrial growth if it demonstrates that  
27 it is not possible to accommodate future residential,  
28 commercial or industrial growth in these areas because  
29 of severe physical limitations, including, without  
30 limitation, the lack of adequate water supply and  
31 sewage disposal services, very shallow soils or  
32 limitations imposed by protected natural resources.

33 (5) A municipality or multimunicipal region is not  
34 required to identify growth areas for residential,  
35 commercial or industrial growth if it demonstrates that  
36 the municipality or multimunicipal region has  
37 experienced minimal or no residential, commercial or  
38 industrial development over the past decade and this  
39 condition is expected to continue over the 10-year  
40 planning period.

41 (6) A municipality or multimunicipal region exercising  
42 the discretion afforded by subparagraph 4 or 5 shall  
43 review the basis for its demonstration during the  
44 periodic revisions undertaken pursuant to section  
45 4347-A;'

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SENATE AMENDMENT "D" to COMMITTEE AMENDMENT "A" to H.P. 1577,  
L.D. 2083

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

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### SUMMARY

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10 This amendment 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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SPONSORED BY: 

(Senator MARTIN)

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COUNTY: Areostook

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