

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 531

H.P. 416

House of Representatives, February 6, 2003

### An Act To Clarify the Use of Municipal Rate of Growth Ordinances

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Reference to the Committee on State and Local Government suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SUSLOVIC of Portland.  
Cosponsored by Senator BROMLEY of Cumberland and  
Representatives: COLLINS of Wells, DUDLEY of Portland, EDER of Portland, KOFFMAN  
of Bar Harbor, McLAUGHLIN of Cape Elizabeth, MILLS of Cornville.

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

4 **Sec. 1. 30-A MRSA §4360**, as enacted by PL 2001, c. 591, §1,  
5 is repealed and the following enacted in its place:

6 **§4360. Rate of growth ordinances**

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

11 **1. Temporary rate of growth ordinances.** A temporary rate  
12 of growth ordinance:

13 **A. Must be needed to provide time for the municipality to**  
14 **take specific actions to improve facilities or services**  
15 **needed to accommodate growth;**

16 **B. Must be enacted for a definite term, not to exceed 2**  
17 **years, unless the municipality is granted an exception**  
18 **pursuant to rules established by the office. Rules adopted**  
19 **pursuant to this paragraph are major substantive rules as**  
20 **defined in Title 5, chapter 375, subchapter 2-A; and**

21 **C. May be enacted only once during any 10-year period.**

22 **2. Ongoing rate of growth ordinances that apply to**  
23 **designated growth areas.** A municipality with a comprehensive  
24 plan adopted under this chapter may adopt an ongoing rate of  
25 growth ordinance that applies only to designated growth areas if  
26 the rate of growth ordinance requires that the number of permits  
27 issued annually under the rate of growth ordinance be determined  
28 according to a formula specified in rules adopted by the office.  
29 Rules adopted pursuant to this subsection are major substantive  
30 rules as defined in Title 5, chapter 375, subchapter 2-A.

31 **3. Ongoing rate of growth ordinances that apply to**  
32 **designated rural areas.** Notwithstanding subsection 2, a  
33 municipality with a comprehensive plan adopted under this chapter  
34 may adopt an ongoing rate of growth ordinance that applies only  
35 to designated rural areas if:

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

38 **B. The comprehensive plan lays out policies and strategies**  
39 **for accommodating most of the community's future growth in**  
40 **designated growth areas.**

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## SUMMARY

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This bill outlines the parameters within which a municipality may adopt a rate of growth ordinance. Temporary rate of growth ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the rate of growth ordinance. A permanent rate of growth ordinance may be enacted to apply to a designated growth area only if the 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 Executive Department, State Planning Office. A permanent rate of growth ordinance may be enacted to apply to a designated rural area only if the ordinance is recommended in the municipality's comprehensive plan as a mechanism for guiding growth and the comprehensive plan lays out policies and strategies for accommodating most of the community's future growth in designated growth areas.