

MAINE STATE LEGISLATURE

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Date: 5/23/07

(Filing No. H-300)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1258, L.D. 1803, Bill, "An Act To Clarify Comprehensive Planning and Land Use Ordinances"

Amend the bill in section 1 in subsection 3 in the first paragraph in the 5th line (page 1, line 8 in L.D.) by inserting after the following: "identified" the following: 'by a court or'

Amend the bill in section 1 in subsection 3 in the first paragraph in the 8th line (page 1, line 11 in L.D.) by inserting after the following: "include" the following: 'an ordinance that applies townwide that is'

Amend the bill in section 2 in subsection 3 in the last line (page 2, line 6 in L.D.) by striking out the following: "and revision"

Amend the bill in section 5 in subsection 3-A by striking out all of paragraph D (page 5, lines 10 to 20 in L.D.) and inserting the following:

'D. Within 10 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in this subchapter and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.

(1) In its findings, the office shall clearly indicate its position on any point on which there are significant conflicts among the written comments submitted to the office.

(2) If the office finds that the comprehensive plan was developed in accordance with the procedures, goals and guidelines established in this subchapter, the office shall issue a finding of consistency for the comprehensive plan.

(3) A finding of inconsistency must identify the goals under this subchapter not adequately addressed, specific sections of the rules relating to comprehensive plan review adopted by the office not adequately addressed and recommendations for resolving the inconsistency;

COMMITTEE AMENDMENT

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SUMMARY

2 This amendment adds a provision that clarifies that portions of rate of growth, zoning
3 or impact fee ordinances not directly related to an inconsistency identified by a court
4 remain in effect. It clarifies that cluster development ordinances and design ordinances
5 that apply townwide are not included in the definition of "zoning ordinance." It removes
6 the requirement in the bill that implementation strategies must guide revision of a
7 comprehensive plan. It requires a finding of inconsistency made by the Executive
8 Department, State Planning Office to identify sections of the growth management laws
9 and rules that are not adequately addressed in the comprehensive plan and to make
10 recommendations for resolving the inconsistency.

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FISCAL NOTE REQUIRED

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(See attached)

Rds

Approved: 05/20/07 *mac*



123rd MAINE LEGISLATURE

LD 1803

LR 994(02)

An Act To Clarify Comprehensive Planning and Land Use Ordinances

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund