

MAINE STATE LEGISLATURE

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Date: 5/5/9

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Minority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 336, L.D. 448, Bill, "An Act To Modify the Informed Growth Act"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 30-A MRSA §4371, as enacted by PL 2007, c. 347, §1, is repealed and the following enacted in its place:

§4371. Exemption

1. Ordinance. The provisions of this subchapter do not apply to a municipality that has adopted an ordinance that contains requirements for determining the impact of a proposed large-scale retail development as defined in section 4366, subsection 6 on existing retail establishments and municipal services for the municipality and abutting municipalities. The ordinance must require an independent study of the comprehensive economic and community impacts for each proposed large-scale retail development. The ordinance must include a requirement to consider the findings of the study, among other evidence, when reviewing a land use application and must contain standards for determining when an impact of a large-scale retail development is detrimental to the community.

2. Comprehensive economic and community impact study. The study pursuant to subsection 1 must consider the impact on existing retail operations; sales revenue retained and reinvested in the comprehensive economic impact area; the effect on employment including projected net job creation and loss; retail wages and benefits; municipal revenues generated; the impact on service and maintenance costs caused by the development's construction and operation, including costs of roads and police, fire, rescue and sewer services; the amount of public subsidies, including tax increment financing; and any other factors identified by the municipality.

3. Qualified preparer. The study pursuant to subsection 1 must be prepared by a preparer qualified by education, training and experience pursuant to section 4367.

COMMITTEE AMENDMENT

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4. Public presentation. The study pursuant to subsection 1 must be presented to the public consistent with section 4368.'

SUMMARY

This amendment, which is the minority report, replaces the bill. It clarifies that a municipality is exempt from the Informed Growth Act if the municipality adopts an ordinance requiring a determination of the impact of a large-scale retail development on the municipality and abutting municipalities and requires an independent study by a qualified preparer. It specifies that the study must consider the impact on existing retail operations, sales revenue generated and reinvested in the area, the effects on employment, retail wages and benefits, municipal revenues generated, the impact on municipal infrastructure and the amount of public subsidies, including tax increment financing.