

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 918

H.P. 636

House of Representatives, March 9, 2009

An Act To Amend the Informed Growth Act To Provide a Local Management Option

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BERRY of Bowdoinham.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: FLEMINGS of Bar Harbor, HUNT of Buxton, MARTIN of Eagle Lake,
Speaker PINGREE of North Haven, PIOTTI of Unity, TREAT of Hallowell, Senators: MILLS
of Somerset, SIMPSON of Androscoggin.

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

2 **Sec. 1. 30-A MRSA §4371**, as enacted by PL 2007, c. 347, §1, is amended to
3 read:

4 **§4371. Exemption**

5 The provisions of this subchapter do not apply to a municipality that has adopted
6 ~~economic and community impact review criteria that apply to large scale retail~~
7 ~~development land use permit applications and that~~ an ordinance that contains
8 requirements for determining the impact of a large-scale retail development on existing
9 retail establishments and municipal services for the municipality and abutting
10 municipalities. The ordinance must require a an independent study of the comprehensive
11 economic and community impacts of the proposed large-scale retail development for
12 consideration by a preparer qualified by education, training and experience and provide
13 for public participation consistent with section 4368. The ordinance must consider the
14 findings of the study, among other evidence, in applying the review criteria to the when
15 reviewing a land use application and must contain standards for determining when an
16 impact of a large-scale retail development is detrimental to the community.

17 A municipality that has adopted an ordinance prior to January 1, 2009 for
18 determining the economic and community impacts of a large-scale retail development is
19 exempt from this Act.

20 **SUMMARY**

21 This bill exempts a municipality from the Informed Growth Act if the municipality
22 adopts an ordinance that determines the impact of a large-scale retail development on the
23 surrounding community and requires an independent study by a qualified preparer. It
24 also exempts a municipality that has adopted an ordinance prior to January 1, 2009 for
25 determining the economic and community impacts of a large-scale retail development.