

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1569

H.P. 1106

House of Representatives, December 21, 2009

An Act To Clarify the Informed Growth Act

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2009. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BEAUDETTE of Biddeford.
Cosponsored by Senator SIMPSON of Androscoggin and
Representatives: CROCKETT of Augusta, HANLEY of Gardiner, HAYES of Buckfield,
MacDONALD of Boothbay, PILON of Saco, SCHATZ of Blue Hill, Senator: COURTNEY of
York.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
 2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** recent local interpretations of the Informed Growth Act have been
 4 inconsistent, resulting in unpredictability for developers; and

5 **Whereas,** it is important for economic growth to clarify the Informed Growth Act to
 6 encourage timely local economic development; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
 8 the meaning of the Constitution of Maine and require the following legislation as
 9 immediately necessary for the preservation of the public peace, health and safety; now,
 10 therefore,

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

12 **Sec. 1. 30-A MRSA §4366, sub-§5,** as enacted by PL 2007, c. 347, §1, is
 13 amended to read:

14 **5. Land use permit.** "Land use permit" means a municipal permit or approval for
 15 new construction required by a municipal land ordinance, site plan ordinance, subdivision
 16 ordinance, zoning ordinance or building permit ordinance or by the state subdivision law
 17 pursuant to subchapter 4. "Land use permit" does not include a permit or approval
 18 required for a change of use only.

19 **Emergency clause.** In view of the emergency cited in the preamble, this
 20 legislation takes effect when approved.

21 **SUMMARY**

22 This bill amends the Informed Growth Act by providing that the Informed Growth
 23 Act applies only to permits or approvals for new construction and that a change of use
 24 permit is not considered a land use permit requiring evaluation under the Informed
 25 Growth Act.