

# MAINE STATE LEGISLATURE

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SMG  
RJA

L.D. 322

Date: 4/20/11

Majority

(Filing No. H-108)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 255, L.D. 322, Bill, "An Act To Repeal the Informed Growth Act"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend 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 §4365-A is enacted to read:

§4365-A. Municipal opt-in

The provisions of this subchapter do not apply to a municipality unless the municipality has adopted an ordinance that specifically adopts by reference the provisions of this subchapter. Nothing in this subchapter limits the home rule authority of municipalities to adopt ordinances on the same subject matter as this subchapter.

Sec. 2. 30-A MRSA §4366, sub-§8, as enacted by PL 2007, c. 347, §1, is repealed.

Sec. 3. 30-A MRSA §4366, sub-§10, as enacted by PL 2007, c. 347, §1, is amended to read:

10. **Undue adverse impact.** "Undue adverse impact" means that, within the comprehensive economic impact area, the estimated overall negative effects on the factors listed for consideration in section 4367, subsection 4 outweigh the estimated overall positive effects on those factors ~~and that the estimated negative effects of at least 2 of the factors listed in section 4367, subsection 4, paragraph A outweigh the positive effects on those factors.~~

Sec. 4. 30-A MRSA §4367, sub-§1, as enacted by PL 2007, c. 347, §1, is amended to read:

COMMITTEE AMENDMENT



1 1. It provides that the provisions of the Informed Growth Act do not apply to a  
2 municipality unless the municipality adopts an ordinance that adopts by reference the  
3 Informed Growth Act.

4 2. It provides that municipalities that are subject to the Informed Growth Act by the  
5 adoption of such an ordinance receive the fee directly from the developer for the  
6 comprehensive economic impact study rather than through the Executive Department,  
7 State Planning Office and determine the amount of the fee.

8 3. The definition of "undue adverse impact" is amended to mean that the estimated  
9 overall negative effects outweigh the positive effects and removes the requirement that  
10 the estimated negative effects of at least 2 of the factors considered in the study outweigh  
11 the positive effects on those factors.

12 4. It provides that the municipality may determine which factors are considered in  
13 the comprehensive economic impact study.

14 **FISCAL NOTE REQUIRED**

15 (See attached)



# 125th MAINE LEGISLATURE

LD 322

LR 269(02)

## An Act To Repeal the Informed Growth Act

Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: State and Local Government

Fiscal Note Required: Yes

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### Fiscal Note

Elimination of Funded State Mandate

Minor savings - General Fund

Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

May decrease the number of civil suits and civil violations.

Any reduction in fines and filing fees will decrease General Fund revenue by minor amounts.

### Fiscal Detail and Notes

This bill as amended makes changes to the Informed Growth Act (IGA). It provides that the IGA does not apply to a municipality unless it adopts a local ordinance which incorporates the IGA by reference. This relieves municipalities of the mandated requirement in current law to prepare comprehensive economic impact studies, review related applications, conduct public hearings on impact studies and issue permits for large scale retail developments. The bill removes certain administrative burdens from the State Planning Office, which is no longer required to act as a conduit for funds to municipalities for the application fees paid by prospective developers for large scale retail development permits. Any savings from removing these administrative duties are expected to be minor. The bill also allows municipalities to set their own fee levels for applications for permits to be issued pursuant to the IGA.