

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

| | |
|---|---|
| CON RES XXX..... | Chapter # of Constitutional Resolution passed by both Houses |
| CONF CMTE UNABLE TO AGREE..... | Committee of Conference unable to agree; bill died |
| DIED BETWEEN BODIES..... | House & Senate disagree; bill died |
| DIED IN CONCURRENCE..... | One body accepts ONTP report; the other indefinitely postpones the bill |
| DIED ON ADJOURNMENT..... | Action incomplete when session ended; bill died |
| EMERGENCY..... | Enacted law takes effect sooner than 90 days |
| FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... | Emergency bill failed to get 2/3 vote |
| FAILED ENACTMENT/FINAL PASSAGE..... | Bill failed to get majority vote |
| FAILED MANDATE ENACTMENT..... | Bill imposing local mandate failed to get 2/3 vote |
| NOT PROPERLY BEFORE THE BODY..... | Ruled out of order by the presiding officers; bill died |
| INDEF PP..... | Bill Indefinitely Postponed |
| ONTP (or Accepted ONTP report)..... | Ought Not To Pass report accepted |
| OTP-ND..... | Committee report Ought To Pass In New Draft |
| P&S XXX..... | Chapter # of enacted Private & Special Law |
| PASSED..... | Joint Order passed in both bodies |
| PUBLIC XXX..... | Chapter # of enacted Public Law |
| RESOLVE XXX..... | Chapter # of finally passed Resolve |
| UNSIGNED..... | Bill held by Governor |
| VETO SUSTAINED..... | Legislature failed to override Governor's Veto |

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on State and Local Government

LD 1810

An Act To Enact the Informed Growth Act

PUBLIC 347

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|--------------------------------|---|
| BARSTOW SCHNEIDER | OTP-AM A ONTP B OTP-AM C | H-355 H-383 BEAUDETTE S-236 SCHNEIDER |

LD 1810 enacts the Informed Growth Act to supplement existing municipal project application review criteria with a comprehensive impact study specifically related to the impact of large-scale retail development. It requires an applicant seeking a permit to build a large-scale retail development that is larger than 75,000 square feet to pay for a comprehensive impact study, a public hearing and related municipal staff support in order to estimate the positive and negative economic and environmental effects of the project on the local area prior to permit approval. The study must be presented at a public hearing before the municipal reviewing authority held simultaneously with its review of the permit application. In order for approval for the application to be given, the municipal reviewing authority must determine, based on the comprehensive impact study, other materials and a public hearing, that the project would have no undue adverse impact on the local area.

Committee Amendment "A" (H-355)

This amendment makes a number of changes to the bill:

1. It removes the definitions of "aggregate of buildings or structures" and "market area" from the bill.
2. It includes a definition of "municipal reviewing authority" and clarifies that "office" means the Executive Department, State Planning Office.
3. It changes the defined term "comprehensive impact area" to "comprehensive economic impact area." "Comprehensive economic impact area" includes the municipality and the abutting municipalities in the geographic area affected by the proposed large-scale retail development rather than the market area of the development or 5 miles in all directions.
4. It changes the defined term "comprehensive impact study" to "comprehensive economic impact study." It estimates effects of the retail development rather than requiring positive and negative judgments. It removes other references to positive and negative effects. It also requires the preparer of the study to collect any studies on environmental issues that have already been carried out.
5. It limits the definition of "large-scale retail development" to a single retail business on a single site.
6. It clarifies the definition of "retail business establishment" by removing a reference to services.
7. It requires the study to be completed within 4 months of application rather than 6 months.
8. It requires the municipal reviewing authority and the applicant for the permit to agree on the preparer of the study from the list provided by the State Planning Office. If there is no agreement after 15 days, the municipal reviewing authority has the authority to choose the preparer.
9. It adds an appropriations and allocations section.

Committee Amendment "B" (H-356)

Joint Standing Committee on State and Local Government

This amendment, which is the minority report, is the same as Committee Amendment "A" (H-355) except that it requires the applicant for the permit to pay the \$40,000 fee to the municipality rather than to the State Planning Office. This amendment was not adopted.

House Amendment "A" (H-383)

This amendment provides an exemption from the Informed Growth Act for a municipality that has adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration, among other evidence, in applying the review criteria to the application.

House Amendment "A" (H-409)

This amendment allows a municipality to voluntarily adopt the Informed Growth Act and specifies that the Act does not apply to a municipality that chooses not to adopt it. It also replaces the requirement that the applicant for a permit pay a \$40,000 fee with language allowing the municipality to assess the fee necessary to conduct the impact study. This amendment was not adopted.

Senate Amendment "A" (S-236)

This amendment clarifies that a municipality that, after the effective date of this Act, adopts economic and community impact review criteria that apply to large-scale retail development land use permit applications may be exempt from the provisions of the Informed Growth Act.

Enacted Law Summary

Public Law 2007, chapter 347 enacts the Informed Growth Act to supplement existing municipal project application review criteria with a comprehensive impact study specifically related to the impact of large-scale retail development.

The law requires an applicant seeking a permit to build a large-scale retail development that is larger than 75,000 square feet to pay for a comprehensive economic impact study, a public hearing and related municipal staff support in order to estimate the effects of the project on the local area prior to permit approval. The study must be presented at a public hearing before the municipal reviewing authority held simultaneously with its review of the permit application. In order for approval for the application to be given, the municipal reviewing authority must determine, based on the comprehensive economic impact study, other materials and a public hearing, that the project would have no undue adverse impact on the local area. The preparer of the study must come from a list provided by the State Planning Office and must be mutually agreed upon by the municipal reviewing authority and the applicant for the permit. If there is no agreement after 15 days, the municipal reviewing authority has the authority to choose the preparer.

A municipality that has adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration as part of the review criteria for the application are exempt from the Informed Growth Act.

**LD 1814 An Act To Allow Legislative Pay To Be Set by the State Compensation
Commission**

**DIED BETWEEN
HOUSES**

Sponsor(s)

TUTTLE

Committee Report

Amendments Adopted