

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 255 - L.D. 322

An Act To Amend the Informed Growth Act

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

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Sec. 2. 30-A MRSA §4366, sub-§8, as enacted by PL 2007, c. 347, §1, is repealed.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

1. Qualified preparer. A comprehensive economic impact study must be prepared by a person, other than the applicant for a large-scale retail development, ~~listed by the office as qualified by education, training and experience to prepare such a study. The office shall provide the list of qualified preparers to a municipal reviewing authority and land use permit applicant upon request. The office shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to carry out the purposes of this subsection.~~

Sec. 5. 30-A MRSA §4367, sub-§3, as enacted by PL 2007, c. 347, §1, is amended to read:

3. Payment. The applicant for the permit shall pay a fee of \$40,000 to the office to be deposited into a dedicated revenue account municipality. The municipality shall establish the amount of the fee. The development application is not complete for processing until the office confirms that the fee has been paid.

~~The office shall disburse to the municipality from the dedicated account an amount equal to the~~ municipality shall use the fee to cover the municipality's projected costs of the comprehensive economic impact study contract, notice of the public hearing and related municipal staff support. The municipality's contract for the study must be defined and priced to ensure that the \$40,000 fee will be sufficient to cover both the costs of the study and the costs listed in this subsection. ~~The office may charge against the fee an amount sufficient to cover its costs to record, administer and disburse the fee, but which may not exceed \$1,000.~~ Any unexpended funds from the \$40,000 fee must be returned to the applicant.

Sec. 6. 30-A MRSA §4367, sub-§4, ¶A, as enacted by PL 2007, c. 347, §1, is amended to read:

A. The municipality may require that the comprehensive economic impact study, using existing studies and data and through the collection and analysis of new data, ~~must~~ identify the economic effects of the large-scale retail development on existing retail operations; supply and demand for retail space; number and location of existing retail establishments where there is overlap of goods and services offered; employment, including projected net job creation and loss; retail wages and benefits; captured share of existing retail sales; sales revenue retained and reinvested in the comprehensive economic impact area; municipal revenues generated; municipal capital, 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 public water utility, sewage disposal and solid waste disposal capacity.

Sec. 7. 30-A MRSA §4371, as repealed and replaced by PL 2009, c. 260, §1, is repealed.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor