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An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances

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

Whereas, Public Law 2005, chapter 597 takes effect July 1, 2007, which is prior to the expiration of the 90-day period; and

Whereas, Public Law 2005, chapter 597 provides that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years; and

Whereas, the current language could be interpreted to mean all building permits, including permits for minor construction, and not just new residential dwellings; and

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

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

Sec. 1. 30-A MRSA §4360, sub-§3, ¶B, as enacted by PL 2005, c. 597, §3 and affected by §4, is amended to read:

B. The ordinance sets the number of building or development permits for new residential dwellings, not including permits for affordable housing, at 105% or more of the mean number of permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 10 years and then dividing by 10;

Sec. 2. 30-A MRSA §4360, sub-§3, ¶D, as enacted by PL 2005, c. 597, §3 and as affected by §4, is amended to read:

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years.

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

Effective May 8, 2007.