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An Act To Clarify the Informed Growth Act

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

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

Whereas, it is important for economic growth to clarify the Informed Growth Act to encourage timely local economic development; 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 MRS §4366, sub-§5, as enacted by PL 2007, c. 347, §1, is amended to read:

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

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

SUMMARY

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