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Public Law
124th Legislature
Second Regular Session

Chapter 549
H.P. 1106 - L.D. 1569

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 MRSA §4366, sub-§6, as enacted by PL 2007, c. 347, §1, is amended to read:

6. Large-scale retail development. "Large-scale retail development" means any retail business establishment having a gross floor area of 75,000 square feet or more in one or more buildings at the same location, and any expansion ~~or renovation~~ of an existing building or buildings that results in a retail business establishment's having a gross floor area of 75,000 square feet or more in one or more buildings except when the expansion of an existing retail business establishment is less than 20,000 square feet. Other retail business establishments on the same site as the large-scale retail business establishment are not included in this definition unless they share a common check stand, management, controlling ownership or storage areas.

Sec. 2. 30-A MRSA §4372 is enacted to read:

§ 4372. Existing structure

This subchapter does not apply to a retail business establishment proposing to occupy an existing building in which the most recent occupant was a large-scale retail development as long as no increase greater than 20,000 square feet in gross floor area is proposed.

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

Effective Maarch 25, 2010.