

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2140

S.P. 836

In Senate, January 9, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator TITCOMB of Cumberland

Cosponsored by Representative LORD of Waterboro and Representative JACQUES of Waterville.

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STATE OF MAINE

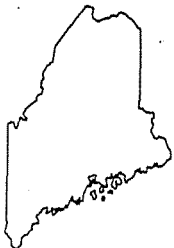
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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**An Act to Provide Increased Local Participation in Comprehensive Land  
Use Planning.**

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

2  
4       **Sec. 1. 30-A MRSA §4343, sub-§3, ¶¶B and D, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:**

6       B. Each regional council shall review and submit written  
8       comments on the proposal of any municipality within its  
10       planning region. The comments shall must be submitted to  
12       the office and shall contain an analysis of:

14               (1) How the proposal addresses identified regional  
16               needs; and

18               (2) Whether the proposal is consistent with those of  
20               other municipalities which that may be affected by the  
22               proposal.

24       The comments must specify that they are advisory in nature  
26       and that the municipality may choose to accept or reject  
28       them.

30       D. The office shall send all written comments on the  
32       proposal to the municipality within 60 days after receiving  
34       its proposal. The office shall also forward its comments  
36       and suggested revisions to any applicable regional council.  
38       The office shall clearly indicate its position on any point  
40       when there are significant conflicts between the written  
42       comments on that point submitted to the office. The office  
44       shall notify the municipality that comments, including those  
46       made by the office pursuant to this paragraph, are advisory  
48       in nature and that the municipality may choose to accept or  
50       reject them.

34       **Sec. 2. 30-A MRSA §4343, sub-§3, ¶E, as amended by PL 1989, c. 562, §11, is further amended to read:**

36       E. If warranted, the office shall issue, separately,  
38       findings specifically describing how the submitted plan or  
40       ordinance is not consistent with this subchapter and the  
42       recommended measures for remedying the deficiencies. In its  
44       findings, the office shall clearly indicate its position  
46       on any point in the event that there are significant  
48       conflicts between the written comments on that point  
50       submitted to the office notify the municipality that  
      shortcomings identified in findings made pursuant to this  
      paragraph must be remedied in order to comply with this  
      subchapter.

## STATEMENT OF FACT

2  
4 This bill amends the laws governing the growth management  
6 program to provide that the Department of Community and Economic  
8 Development, Office of Comprehensive Land Use Planning must  
10 clearly distinguish between comments and findings issued in  
response to municipal comprehensive plan submissions.  
Municipalities must be informed that comments, including those of  
regional planning agencies, may be accepted or rejected by the  
municipality.