

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 388, L.D. 501, Bill, "An Act to Correct Errors and Inconsistencies in the Growth Management Laws"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 30-A MRSA §4301, sub-§9, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

9. Local growth management program. "Local growth management program" means a document containing the components described in section 4326, including the implementation program, which is consistent with the goals and guidelines established by subchapter II and which regulates land use beyond that required by Title 38, chapter 3, subchapter I, article 2-B.

Sec. 2. 30-A MRSA §4301, sub-§15, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. 3. 30-A MRSA §4301, sub-§15-A is enacted to read:

15-A. Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

Sec. 4. 30-A MRSA §4314, sub-§2, as enacted by PL 1991, c. 722, §6 and affected by §11, is amended to read:

2. Zoning ordinances. Notwithstanding section 4352, subsection 2, a zoning ordinance that regulates land use beyond

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2 that required by Title 38, chapter 3, subchapter I, article 2-B
3 and that is not consistent with a comprehensive plan adopted
4 under this subchapter is void 24 months after adoption of the
5 plan.

6 **Sec. 5. 30-A MRSA §4324, sub-§2,** as amended by PL 1991, c.
7 622, Pt. F, §23, is further amended to read:

8
9 **2. Local planning committee.** The If a municipality chooses
10 to prepare a local growth management program, the municipal
11 officers of a municipality or combination of municipalities may
12 shall designate and establish a local planning committee.

13
14 A. The municipal officers may designate any existing
15 planning board or district established under subchapter IV,
16 or a former similar provision, as the local planning
17 committee. Planning boards established under former Title
18 30, section 4952, subsection 1, continue to be governed by
19 those provisions until they are superseded by municipal
20 charter or ordinance.

21
22 B. The local planning committee may develop and maintain a
23 comprehensive plan and may develop an initial proposed
24 zoning ordinance or an initial revision of an existing
25 zoning ordinance. In performing these duties, the local
26 planning committee shall:

27 (1) Hold public hearings and use other methods to
28 solicit and strongly encourage citizen input; and

29 (2) Prepare the comprehensive plan and proposed zoning
30 ordinance and make recommendations to the municipal
31 reviewing authority and municipal legislative body
32 regarding the adoption and implementation of the
33 program or amended program.

34
35 **Sec. 6. 30-A MRSA §4326, sub-§3, ¶A,** as amended by PL 1991, c.
36 722, §7 and affected by §11, is further amended to read:

37
38 A. Identify and designate at least 2 basic types of
39 geographic areas:

40 (1) Growth areas, which are those areas suitable for
41 orderly residential, commercial and industrial
42 development forecast over the next 10 years. Each
43 municipality shall:

44 (a) Establish standards for these developments;

45 (b) Establish timely permitting procedures;

2 (c) Ensure that needed public services are
4 available within the growth area; and

6 (d) Prevent inappropriate development in natural
8 hazard areas, including flood plains and areas of
high erosion; and

10 (2) Rural areas, which are those areas where
12 protection should be provided for agricultural, forest,
open space and scenic lands within the municipality.
Each municipality shall adopt land use policies and
14 ordinances to discourage incompatible development.

16 These policies and ordinances must may include, without
18 limitation: density limits; cluster or special zoning;
acquisition of land or development rights; or performance
standards;

20 Sec. 7. 30-A MRSA §4326, sub-§3, ¶I, as amended by PL 1991, c.
22 722, §7 and c. 838, §10, is repealed and the following enacted in
its place the following:

24 I. Encourage the availability of and access to traditional
26 outdoor recreation opportunities, including, without
limitation, hunting, boating, fishing and hiking; and
28 encourage the creation of greenbelts, public parks, trails
and conservation easements. Each municipality shall
30 identify and encourage the protection of undeveloped
shoreland and other areas identified in the local planning
32 process as meriting that protection; and

34 Sec. 8. 30-A MRSA §4346, sub-§2, as enacted by PL 1991, c.
780, Pt. E, §2, is amended to read:

36 2. Implementation assistance grants. The technical and
38 financial assistance program must provide direct financial
assistance to municipalities to implement the local--growth
40 management--program comprehensive plan. The maximum municipal
cost share for an implementation assistance grant may not exceed
42 25%. A contract for an implementation assistance grant must
include specific timetables governing the municipality's
44 submission of zoning ordinances to the office for review.

46 A municipality may expend implementation assistance grant money
received under this subsection for any purpose directly related
48 to the preparation of policies, programs and land use ordinances
implementing a comprehensive plan that has been adopted and that
is consistent with this subchapter. Activities eligible for

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funding by an implementation assistance grant include, but are not limited to:

- A. Assistance in the development of ordinances;
- B. Retention of technical and legal expertise for permitting activities; and
- C. The updating of local growth management programs or components of the program.

Sec. 9. 30-A MRSA §4347, first ¶, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

A municipality that ~~applies--for--an~~ chooses to prepare a local growth management program and receives planning or implementation assistance grant under this article must submit its comprehensive plan and proposed zoning ordinances to the office for review. The office shall review plans and zoning ordinances for consistency with the goals and guidelines established in this subchapter. Any contract for a planning assistance grant or an implementation assistance grant must include specific timetables governing the review of the comprehensive plan or zoning ordinance by the office.

Sec. 10. 30-A MRSA §4347, sub-§2, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

2. **Updates and amendments.** A municipality may submit proposed amendments to a comprehensive plan or zoning ordinances to the office for review in the same manner as provided for the review of new plans and ordinances. ~~After an initial review of the proposed amendments by the office~~ Subsequent to voluntary certification under section 4348, the municipality shall file a copy of an amendment to a zoning ordinance with the office within 30 days after adopting the amendment.

Sec. 11. 30-A MRSA §4348, sub-§1, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

1. **Solicitation of comments.** In conducting a review under this section, the office shall solicit written comments on the ~~proposed~~ local growth management program from regional councils and state agencies, all municipalities contiguous to the municipality submitting the ~~proposed~~ program and any interested residents of the municipality or contiguous municipalities.

A. Any regional council commenting on a ~~proposed~~ program or ~~program--component~~ shall determine whether the ~~proposed~~ program or ~~program--component~~ is compatible with those of

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other municipalities that may be affected by the preposal program and with regional needs identified by the regional council.

B. Within 90 days after receiving the municipal request, the office shall issue a certificate of consistency or request revisions to the preposed program. If the same local growth management program or a component of the program component has been previously reviewed by the office under this article, denial of certification or requested revisions must be based on written findings prepared by the office at that time.

C. If the office requests revisions to the preposed program, it shall provide the municipality with findings specifically describing the deficiencies in the submitted program and the recommended measures for remedying the deficiencies.

D. The office shall provide ample opportunity for the municipality submitting a local growth management program to respond to and correct any identified deficiencies in the program.

~~E. As set forth in section 4349, a municipality that receives a certificate of consistency is entitled to receive preference for certain state aid programs over a municipality that has received a planning or implementation assistance grant but has not received certification within 4 years after accepting a grant.~~

F. The office shall provide an expedited review and certification procedure for those submissions that represent minor amendments to certified local growth management programs.

G. The office's decision on certification constitutes final agency action.

Sec. 12. 30-A MRSA §4349, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

§4349. Eligibility for other state aid, grants and assistance

~~1. Application. The preference for municipal eligibility for the state aid, grant and assistance programs listed in this section is applicable only to those municipalities that have chosen to accept a planning assistance grant. This section does not apply to any municipality that chooses not to accept a planning assistance grant.~~

