

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

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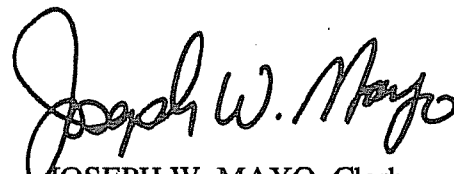
H.P. 388

House of Representatives, February 16, 1993

**An Act to Correct Errors and Inconsistencies in the Growth Management
Laws.**

Submitted by the Department of Economic and Community Development pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ANDERSON of Woodland.
Cosponsored by Representatives: LORD of Waterboro, MICHAUD of East Millinocket,
Senator: LUDWIG of Aroostook.

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

2 **Sec. 1. 30-A MRSA §4326, sub-§3, ¶A**, as amended by PL 1991, c.
4 722, §7 and affected by §11, is further amended to read:

6 A. Identify and designate at least 2 basic types of
8 geographic areas:

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

14 (a) Establish standards for these developments;

16 (b) Establish timely permitting procedures;

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

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

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

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

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

38 **2. Implementation assistance grants.** The technical and
40 financial assistance program must provide direct financial
42 assistance to municipalities to implement the ~~local--growth~~
~~management--program~~ comprehensive plan. The maximum municipal
44 cost share for an implementation assistance grant may not exceed
46 25%. A contract for an implementation assistance grant must
include specific timetables governing the municipality's
submission of zoning ordinances to the office for review.

48 A municipality may expend implementation assistance grant money
50 received under this subsection for any purpose directly related
to the preparation of policies, programs and land use ordinances

2 implementing a comprehensive plan that has been adopted and that
is consistent with this subchapter. Activities eligible for
4 funding by an implementation assistance grant include, but are
not limited to:

6 A. Assistance in the development of ordinances;

8 B. Retention of technical and legal expertise for
permitting activities; and

10 C. The updating of local growth management programs or
12 components of the program.

14 **Sec. 3. 30-A MRSA §4348, sub-§1, ¶E,** as enacted by PL 1991, c.
780, Pt. E, §2, is amended to read:

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

24 **Sec. 4. 30-A MRSA §4349, sub-§2,** as enacted by PL 1991, c.
780, Pt. E, §2, is amended to read:

26 2. **Preference.** For those municipalities that have received
28 a planning assistance grant from the office, preference must be
given to municipalities that have received certification for
30 their local growth management program within 4 years after
accepting the planning assistance grant. When awarding grants or
32 assistance to municipalities under any of the following programs,
state agencies shall consider whether or not a municipality that
34 received a planning assistance grant has had ~~that plan~~ a local
growth management program certified by the office under section
36 4348:

38 A. Programs that assist in the acquisition of land for
conservation, natural resource protection, open space or
40 recreational facilities under Title 5, chapter 353;

42 B. Community development block grants; and

44 C. Programs intended to:

46 (1) Accommodate or encourage additional growth and
development;

48 (2) Improve, expand or construct public facilities;
50

2 (3) Acquire land for conservation, recreation or
resource protection; or

4 (4) Assist in planning or managing specific economic
and natural resource concerns.

6
8 This subsection does not apply to state aid, grants or other
assistance for sewage treatment facilities, public health
10 programs or education.

12
14 **STATEMENT OF FACT**

16 This bill corrects a series of technical problems resulting
from recent amendments to the laws governing growth management
18 contained in Public Law 1991, chapters 722 and 780.