

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1693

S.P. 547

In Senate, March 20, 2001

**An Act to Amend the Comprehensive Planning and Land Use Regulation
Laws.**

Submitted by the State Planning Office pursuant to Joint Rule 204.
Reference to the Committee on 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 TREAT of Kennebec.
Cosponsored by Representative DAIGLE of Arundel and
Senators: DAGGETT of Kennebec, GAGNON of Kennebec, MARTIN of Aroostook,
SAWYER of Penobscot, Representatives: COWGER of Hallowell, ETNIER of Harpswell,
KOFFMAN of Bar Harbor, McLAUGHLIN of Cape Elizabeth.

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

4 **Sec. 1. 30-A MRSA §4301, sub-§1,** as repealed and replaced by
6 PL 1989, c. 878, Pt. A, §83, is repealed and the following
8 enacted in its place:

10 1. Affordable housing. "Affordable housing" means decent,
12 safe and sanitary dwellings, apartments or other living
14 accommodations affordable as determined by the Maine State
16 Housing Authority for persons or families whose incomes are less
18 than or equal to 80% of the area median income or 80% of the
20 state median income, whichever is less.

22 **Sec. 2. 30-A MRSA §4301, sub-§2,** as enacted by PL 1989, c.
24 104, Pt. A, §45 and Pt. C, §10, is amended to read:

26 2. Coastal area. "Coastal areas area" means all
28 municipalities--and a municipality or unorganized townships
30 township contiguous to tidal waters and all coastal islands. The
32 inland boundary of the coastal area is the inland line of any
34 coastal town line.

36 **Sec. 3. 30-A MRSA §4301, sub-§3,** as amended by PL 1989, c.
38 562, §1, is further amended to read:

40 3. Comprehensive plan. "Comprehensive plan" means a
42 document or interrelated documents containing the elements
44 established under section 4326, subsections 1 to -4- 5, including
46 the strategies for an implementation program which that are
48 consistent with the goals and guidelines established under
subchapter II.

Sec. 4. 30-A MRSA §4301, sub-§§4-A and 4-B are enacted to read:

36 4-A. Critical rural area. "Critical rural area" means a
38 rural area specifically identified and designated by a planning
40 district's comprehensive plan as deserving maximum protection
42 from development to preserve natural resources and related
44 economic activities that may include, but are not limited to,
significant farmland, forest land or mineral resources,
high-value wildlife or fisheries habitat, scenic areas, public
water supplies, scarce or especially vulnerable natural resources
or open lands functionally necessary to support a vibrant rural
economy.

46 4-B. Critical waterfront area. "Critical waterfront area"
48 means a shorefront area characterized by functionally
water-dependent uses, as defined in Title 38, section 436-A,
subsection 6, and specifically identified and designated by a

2 planning district's comprehensive plan as deserving maximum
3 protection from incompatible development.

4 **Sec. 5. 30-A MRSA §4301, sub-§§6-B, 6-C and 6-D** are enacted to
5 read:

6 **6-B. Rate of growth ordinance.** "Rate of growth ordinance"
7 means a land use ordinance or other rule that limits the number
8 of building or development permits issued by a municipality or
9 other jurisdiction over a designated time frame.

10 **6-C. Growth area.** "Growth area" means an area designated
11 in a planning district's comprehensive plan as suitable for
12 orderly residential, commercial or industrial development, or any
13 combinations of development, and into which most development
14 forecast over 10 years is directed. A growth area designated for
15 residential development must permit development at densities of
16 at least 3 dwelling units per acre where public sewerage is
17 available or, unless limited by natural conditions, at least one
18 dwelling unit per acre where on-site, individual wastewater
19 disposal is used.

20 **6-D. Impact fee ordinance.** "Impact fee ordinance" means an
21 ordinance that establishes the applicability, formula and means
22 by which impact fees are assessed.

23 **Sec. 6. 30-A MRSA §4301, sub-§9**, as amended by PL 1993, c.
24 166, §1, is further amended to read:

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

32 **Sec. 7. 30-A MRSA §4301, sub-§10**, as amended by PL 1989, c.
33 562, §1, is further amended to read:

34 **10. Planning committee.** "Local---planning Planning
35 committee" means the committee established by the municipal
36 officers of a municipality or combination of municipalities which
37 that has the general responsibility established under sections
38 4324 and 4326. Municipalities within the jurisdiction of the
39 Maine Land Use Regulation Commission are represented on a
40 planning committee by the commission and its staff.

41 **Sec. 8. 30-A MRSA §4301, sub-§§11-A, 13-A and 14-A to 14-E** are
42 enacted to read:

2 **11-A. Multimunicipal region.** "Multimunicipal region" is a
3 region made up of 2 or more municipalities, including those
4 within the jurisdiction of the Maine Land Use Regulation
5 Commission, that work together to cooperatively establish a
6 growth management program or independent growth management
7 programs that are unified with respect to the implementation of
8 the state goal identified in section 4312, subsection 3,
9 paragraph A. The several municipalities in a multimunicipal
10 region may establish the region pursuant to section 4326-A or
11 chapter 115.

12 **13-A. Planning district.** "Planning district" means a
13 municipality, multimunicipal region, land use planning region
14 and, where applicable, regional council.

15 **14-A. Rural area.** "Rural area" means a geographic area
16 identified and designated in a planning district's comprehensive
17 plan as an area deserving of some level of regulatory protection
18 from unrestricted development for purposes that may include, but
19 are not limited to, supporting agriculture, forestry, mining,
20 open space, wildlife habitat, fisheries habitat or scenic lands,
21 and away from which most development forecast over 10 years is
22 diverted. Where residential development is allowed in a rural
23 area, it must be at a sufficiently low density and contain other
24 effective measures to promote contiguous, undeveloped blocks of
25 land large enough to accommodate economically viable farming and
26 forestry and habitat for a diversity of fish and wildlife.

27 **14-B. Service center community.** "Service center community"
28 means a municipality or group of municipalities identified by the
29 office according to a methodology established by rule that
30 includes 4 basic criteria, including level of retail sales,
31 jobs-to-workers ratio, the amount of federally assisted housing
32 and the volume of service sector jobs.

33 **14-C. Site plan review ordinance.** "Site plan review
34 ordinance" or "site review ordinance" means a land use ordinance
35 that establishes a formal review procedure to ensure that
36 developments that fall within defined threshold criteria meet
37 specific standards, including, but not limited to, standards
38 governing public health, safety, environment, siting or design.

39 **14-D. Subdivision ordinance.** "Subdivision ordinance" means
40 either a rule adopted pursuant to section 4403, subsection 2 or a
41 land use ordinance that establishes a formal review procedure and
42 determines the standards required for subdivision approval within
43 the jurisdiction.

2 14-E. Transitional area. "Transitional area" means an area
3 designated in a planning district's comprehensive plan as
4 suitable for a share of forecasted residential, commercial or
5 industrial development, but that is neither intended to accept
6 the amount or density of development appropriate for a growth
7 area nor intended to provide the level of protection for rural
8 resources afforded in a rural or critical rural area.

9
10 **Sec. 9. 30-A MRSA §4301, sub-§15-A,** as enacted by PL 1993, c.
11 166, §3, is amended to read:

12 **15-A. Zoning ordinance.** "Zoning ordinance" means a type of
13 land use ordinance that divides a municipality into districts and
14 that prescribes and reasonably applies different regulations in
15 each district or that generally regulates the distribution or
16 intensity of land use across a municipality, including, but not
17 limited to, minimum lot size ordinances.

18 **Sec. 10. 30-A MRSA §4312, sub-§2, ¶E-1** is enacted to read:

19
20 E-1. Encourage the development and implementation of
21 multimunicipal growth management programs;

22
23 **Sec. 11. 30-A MRSA §4312, sub-§2, ¶¶F and G,** as amended by PL
24 1991, c. 622, Pt. F, §19, are further amended to read:

25
26
27 **F.** Provide for continued direct state regulation of
28 development proposals that occur in areas of statewide
29 concern, that directly impact natural resources of statewide
30 significance or that by their scale or nature otherwise
31 affect vital state interests; and

32
33 **G.** Encourage the widest possible involvement by the
34 citizens of each municipality in all aspects of the planning
35 and implementation process, in order to ensure that the
36 plans developed by municipalities have had the benefit of
37 citizen input; and

38 **Sec. 12. 30-A MRSA §4312, sub-§2, ¶¶I and J** are enacted to read:

39
40 I. Encourage development of an integrated geographical
41 information system that informs the State, regional councils
42 and municipalities of the impacts of development and enables
43 evaluation of State, regional and growth management and
44 natural resource protection policies and programs; and

45
46 J. Strengthen the partnership among State Government and
47 regional and local governments to conserve land and water
48

resources and to invest in and make efficient use of public
infrastructure.

Sec. 13. 30-A MRSA §4312, sub-§3, ¶A, as enacted by PL 1989,
c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. To encourage orderly growth and development in
appropriate areas of each community and region, while
protecting the State's rural character, making efficient use
of public services and preventing development sprawl;

Sec. 14. 30-A MRSA §4312, sub-§4, as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10, is amended to read:

4. Office rule-making authority. The office is authorized
to adopt rules necessary to carry out the purposes of this
subchapter. Rules adopted pursuant to this section are routine
technical rules as defined in Title 5, chapter 375, subchapter
II-A. This section shall may not be construed to grant any
separate regulatory authority to any state agency beyond that
necessary to implement this subchapter.

Sec. 15. 30-A MRSA §4314, as amended by PL 1993, c. 721, Pt.
A, §1 and affected by Pt. H, §1, is further amended to read:

§4314. Transition; savings clause

1. Comprehensive plan. A municipal comprehensive plan or
~~land--use--regulation--or--ordinance~~ adopted or amended by a
municipality under former Title 30, chapter 239, subchapter V or
VI remains in effect until amended or repealed in accordance with
this subchapter.

2. Shoreland zoning ordinances. Notwithstanding section
4352, subsection 2, any portion of a zoning ordinance that
regulates land use beyond that the area required by Title 38,
chapter 3, subchapter I, article 2-B and that is not consistent
with a comprehensive plan adopted under this subchapter is ~~void~~
no longer in effect 24 months after adoption of the plan ~~or by~~
~~July 1, 1994, whichever date is later.~~

**3. Subdivision, site plan review, rate of growth, zoning
and impact fee ordinances.** ~~Any land-use ordinance not consistent
with a comprehensive plan adopted according to this subchapter is
void~~ After January 1, 2003, any portion of a planning district's
subdivision, site plan review, development permit limitation,
zoning or impact fee ordinance must be consistent with a
comprehensive plan adopted under this subchapter. The portion of
an ordinance that is not consistent is no longer in effect unless:

2 A. ~~After January 1, 1998, in any municipality that received~~
a ~~planning assistance grant and an implementation assistance~~
4 ~~grant under former section 4344, subsection 4 prior to~~
December 23, 1991, and

6 B. ~~After January 1, 2003, in all other municipalities.~~

8 C. The ordinance or portion of the ordinance is exempted
under subsection 2;

10 D. The planning district is under contract with the office
12 to prepare a comprehensive plan or implementation program,
14 in which case ordinances remain valid for up to 4 years
16 after receipt of the first installment of its first planning
assistance grant or for up to 2 years after receipt of the
18 first installment of its first implementation assistance
grant, whichever is earlier;

20 E. The planning district applied for and was denied
financial assistance for its first planning assistance or
22 implementation assistance grant under this subchapter due to
lack of state funds on or before January 1, 2003; or

24 F. The ordinance or portion of the ordinance conflicts with
a newly adopted comprehensive plan or plan amendment adopted
26 under this subchapter, in which case the ordinance or
portion of the ordinance remains in effect for a period of
28 up to 24 months immediately following adoption of the
comprehensive plan or plan amendment.

30
32 **4. Encumbered balances at year-end.** At the end of each
fiscal year, all encumbered balances in accounts for financial
assistance and regional planning grants may be carried twice.

34
36 **Sec. 16. 30-A MRSAs §4321**, as enacted by PL 1989, c. 104, Pt.
A, §45 and Pt. C, §10, is amended to read:

38 **§4321. Growth management program established**

40 There is established a program of ~~local~~ growth management to
accomplish the goals of this subchapter.

42
44 **Sec. 17. 30-A MRSAs §4322**, as enacted by PL 1989, c. 104, Pt.
A, §45 and Pt. C, §10, is repealed and the following enacted in
its place:

46 **§4322. Exception**

48
50 Municipalities within the jurisdiction of the Maine Land Use
Regulation Commission are not subject to the provisions of this

2 article except when the commission elects to include one or more
3 municipalities in its jurisdiction as part of a land use planning
4 region or multimunicipal region that includes municipalities
5 outside the commission's jurisdiction.

6 **Sec. 18. 30-A MRSA §4324**, as amended by PL 1993, c. 721, Pt.
7 A, §2 and affected by Pt. H, §1, is further amended to read:

8 **§4324. Responsibility for growth management**

9
10 This section governs a municipality's planning district's
11 responsibility for the preparation or amendment of its local
12 growth management program. Where procedures for the adoption of
13 comprehensive plans and ordinances are governed by other
14 provisions of this Title or municipal charter or ordinance, the
15 municipality planning district may modify the procedural
16 requirements of this section as long as a broad range of
17 opportunity for public comment and review is preserved.

18
19 **1. Growth management program.** Each municipality planning
20 district may prepare a local growth management program in
21 accordance with this section or may amend its existing
22 comprehensive plan and existing land use ordinances to comply
23 with this subchapter.

24
25 **2. Planning committee.** If a municipality planning district
26 chooses to prepare a local growth management program, the
27 municipal officers of a municipality or combination of
28 municipalities shall designate and establish a local planning
29 committee.

30
31 A. The municipal officers may designate any existing
32 planning board or district established under subchapter IV,
33 or a former similar provision, as the local planning
34 committee. Planning boards established under former Title
35 30, section 4952, subsection 1, continue to be governed by
36 those provisions until they are superseded by municipal
37 charter or ordinance.

38
39 B. The local planning committee may develop and maintain a
40 comprehensive plan and may develop ~~an--initial--proposed~~
41 ~~zoning--ordinance--or--an--initial--revision--of--an--existing~~
42 ~~zoning-ordinance~~ any portion of an implementation program to
43 which it is assigned in an adopted comprehensive plan or
44 otherwise directed by the municipal officers or legislative
45 body or bodies. In performing these duties, the local
46 planning committee shall:

47
48 (1) Hold public hearings and use other methods to
49 solicit and strongly encourage citizen input; and
50

2 (2) Prepare the comprehensive plan ~~and proposed zoning~~
3 ~~ordinance or any portion of the implementation program~~
4 ~~to which it is assigned in an adopted comprehensive~~
5 ~~plan~~ and make recommendations to the ~~municipal~~
6 ~~reviewing--authority--and~~ municipal legislative body
7 regarding the adoption and implementation of the
8 program or amended program that require legislative
9 action.

10
11 **3. Citizen participation.** In order to encourage citizen
12 participation in the development of a ~~local~~ growth management
13 program, ~~municipalities~~ planning districts may adopt ~~local~~ growth
14 management programs only after soliciting and considering a broad
15 range of public review and comment. The intent of this
16 subsection is to provide for the broad dissemination of proposals
17 and alternatives, opportunity for written comments, open
18 discussions, information dissemination and consideration of and
19 response to public comments.

20
21 **4. Meetings to be public.** The ~~local~~ planning committee
22 shall conduct all of its meetings in open, public session. Prior
23 public notice must be given for all meetings of the ~~local~~
24 planning committee pursuant to Title 1, section 406. ~~Prior to~~
25 ~~April 1, 1990, if the local planning committee provided notice in~~
26 ~~compliance with Title 1, section 406, that notice was sufficient~~
27 ~~for all legal purposes.~~

28
29 **8. Public hearing required.** The ~~local~~ planning committee
30 shall hold at least one public hearing on its proposed
31 comprehensive plan.

32
33 A. Notice of any public hearing must be posted in the
34 municipality at least ~~2 times~~ 30 days before the hearing.

35
36 B. A copy of the proposed comprehensive plan shall must be
37 made available for public inspection at the municipal office
38 or other convenient location with regular public hours at
39 least 30 days before the hearing.

40
41 **9. Adoption.** A comprehensive plan or land use ordinance is
42 ~~deemed to have been~~ considered adopted as part of a ~~local~~ growth
43 management program when it has been ~~accepted~~ adopted by the
44 municipality's legislative body. A multimunicipal comprehensive
45 plan or land use ordinance must be adopted by the legislative
46 body of each participating municipality unless another form of
47 legislative authority has been established for this purpose
48 within the planning district.

2 10. **Amendments to an adopted plan.** When amending an
adopted comprehensive plan, a municipality planning district
4 shall follow the same procedures for citizen participation,
public notice and public hearing that are required for adoption
6 of a comprehensive plan.

8 **Sec. 19. 30-A MRSA §4325**, as amended by PL 1991, c. 622, Pt.
F, §28, is repealed.

10 **Sec. 20. 30-A MRSA §4326**, as amended by PL 1999, c. 776, §8,
is further amended to read:

12 **§4326. Growth management program elements**

14 A ~~local~~ growth management program shall include at least a
16 comprehensive plan, as described in subsections 1 to 4, and an
implementation program as described in subsection 5.

18 1. **Inventory and analysis.** A comprehensive plan shall ~~must~~
20 include an inventory and analysis section addressing state goals
under this subchapter and issues of regional or local
22 significance that the municipality planning district considers
important. The inventory must be based on information provided
24 by the State, regional councils and other relevant local
sources. The analysis must include 10-year projections of local
26 and regional growth in population and residential, commercial and
industrial activity; the projected need for public facilities;
28 and the vulnerability of and potential impacts on natural
resources. Within resource constraints, state agencies shall,
30 through the office, provide planning districts undertaking
comprehensive planning with available information regarding
32 resources, agency policies, plans and programs, suggested issues
to be addressed during the planning process and technical
34 assistance available from the State. To the extent possible,
state agencies shall work directly with planning committees and
36 regional councils to address significant issues of mutual
concern, including, but not limited to, resource and
38 infrastructure planning during the planning process.

40 The inventory and analysis section must include, but is not
limited to:

42 A. Economic and demographic data describing the
44 municipality planning district and the region in which it is
located;

46 B. Significant water resources such as lakes, aquifers,
48 estuaries, rivers and coastal areas and, where applicable,
their vulnerability to degradation;

50

2 C. Significant or critical natural resources, such as
3 wetlands, wildlife and fisheries habitats, significant plant
4 habitats, coastal islands, sand dunes, scenic areas,
5 shorelands, heritage coastal areas as defined under Title 5,
6 section 3316, and unique natural areas;

7 D. Marine-related resources and facilities such as ports,
8 harbors, commercial moorings, commercial docking facilities
9 and related parking, and shell fishing and worming areas;

10 E. Commercial forestry and agricultural land;

11 F. Existing recreation, park and open space areas and
12 significant points of public access to shorelands within a
13 municipality planning district;

14 G. Existing transportation systems, including the capacity
15 of existing and proposed major thoroughfares, secondary
16 routes, pedestrian ways and parking facilities;

17 H. Residential housing stock, including affordable housing;

18 I. Historical and archeological resources including, at the
19 discretion of the municipality, stone walls, stone
20 impoundments and timber bridges of historical significance;

21 J. Land use information describing current and projected
22 development patterns; and

23 K. An assessment of capital facilities and public services
24 necessary to support growth and development and to protect
25 the environment and health, safety and welfare of the public
26 and the costs of those facilities and services; and

27 L. A vision statement that describes the desired
28 characteristics of the community at the end of the planning
29 period in sufficient detail to enable an evaluation of the
30 success of the planning district in achieving its vision at
31 that time.

32 **2. Policy development.** A comprehensive plan must include a
33 policy development section that relates the findings contained in
34 the inventory and analysis section to the state goals. The
35 policies must:

36 A. Promote the state goals under this subchapter;

37 B. Address any conflicts between state goals under this
38 subchapter;

2 C. Address any conflicts between regional and local issues;
and

4 D. Address the State's coastal policies, if any part of the
6 planning district is a coastal area.

8 **3. Implementation strategy.** A comprehensive plan must
include an implementation strategy section that contains a
10 timetable for the implementation program, including land use
ordinances, ensuring that the goals established under this
12 subchapter are met. These implementation strategies must be
consistent with state law and must actively promote policies
14 developed during the planning process. The timetable must
identify significant ordinances to be included in the
16 implementation program. The strategies and timetable must guide
the subsequent adoption of policies, programs and land use
18 ordinances. ~~In developing its strategies and subsequent
policies, programs and land use ordinances, each municipality
shall employ the following guidelines consistent with the goals
of this subchapter:~~

22 ~~A. Identify and designate at least 2 basic types of
geographic areas:~~

24 ~~(1) Growth areas, which are those areas suitable for
26 orderly residential, commercial and industrial
development or any combination of those types of
28 development, forecast over the next 10 years. Each
municipality shall:~~

30 ~~(a) Establish standards for these developments;~~

32 ~~(b) Establish timely permitting procedures;~~

34 ~~(c) Ensure that needed public services are
36 available within the growth area; and~~

38 ~~(d) Prevent inappropriate development in natural
40 hazard areas, including flood plains and areas of
high erosion; and~~

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

48 ~~These policies and ordinances may include, without
limitation: density limits, cluster or special zoning;~~

2 acquisition-of-land-or-development-rights,-or-performance
standards.

4 A-municipality-is-not-required-to-identify-growth-areas-for
residential-growth-if-it-demonstrates-that-it-is-not
6 possible-to-accommodate-future-residential-growth-in-these
areas-because-of-severe-physical-limitations,-including,
8 without-limitation,-the-lack-of-adequate-water-supply-and
sewage-disposal-services,-very-shallow-soils-or-limitations
10 imposed-by-protected-natural-resources,-or-it-demonstrates
that-the-municipality-has-experienced-minimal-or-no
12 residential-development-over-the-past-decade-and-this
condition-is-expected-to-continue-over-the-10-year-planning
14 period.-A-municipality-exercising-the-discretion-afforded
by-this-paragraph-shall-review-the-basis-for-its
16 demonstration-during-the-periodic-revisions-undertaken
pursuant-to-section-4327;

18 B.-Develop-a-capital-investment-plan-for-financing-the
20 replacement-and-expansion-of-public-facilities-and-services
required-to-meet-projected-growth-and-development;

22 C.-Protect,-maintain-and,-when-warranted,-improve-the-water
24 quality-of-each-water-body-pursuant-to-Title-38,-chapter-3,
subchapter-I,-article-4-A-and-ensure-that-the-water-quality
26 will-be-protected-from-long-term-and-cumulative-increases-in
phosphorus-from-development-in-great-pond-watersheds;

28 D.-Ensure-that-its-land-use-policies-and-ordinances-are
30 consistent-with-applicable-state-law-regarding-critical
natural-resources.-A-municipality-may-adopt-ordinances-more
32 stringent-than-applicable-state-law;

34 E.-Ensure-the-preservation-of-access-to-coastal-waters
36 necessary-for-commercial-fishing,-commercial-mooring,
decking-and-related-parking-facilities.-Each-coastal
municipality-shall-discourage-new-development-that-is
38 incompatible-with-uses-related-to-the-marine-resources
industry;

40 F.-Ensure-the-protection-of-agricultural-and-forest
42 resources.-Each-municipality-shall-discourage-new
development-that-is-incompatible-with-uses-related-to-the
44 agricultural-and-forest-industry;

46 G.-Ensure-that-its-land-use-policies-and-ordinances
encourage-the-siting-and-construction-of-affordable-housing
48 within-the-community-and-comply-with-the-requirements-of
section-4358-pertaining-to-individual-mobile-home-and-mobile
50 home-park-siting-and-design-requirements.-The-municipality

2 shall seek to achieve a level of 10% of new residential
development, based on a 5-year historical average of
4 residential development in the municipality, meeting the
definition of affordable housing. Municipalities are
6 encouraged to seek creative approaches to assist in the
development of affordable housing, including, but not
8 limited to, cluster zoning, reducing minimum lot and
frontage sizes, increasing densities and use of municipally
owned land;

10
12 H. Ensure that the value of historical and archeological
resources is recognized and that protection is afforded to
14 those resources that merit it;

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

24 J. Develop management goals for great ponds pertaining to
the type of shoreline character, intensity of surface water
26 use, protection of resources of state significance and type
of public access appropriate for the intensity of use of
28 great ponds within a municipality's jurisdiction.

30 **3-A. Guidelines for policy development and implementation**
strategies. In developing its strategies and subsequent
32 policies, programs and land use ordinances, each planning
district shall employ the following guidelines consistent with
34 the goals of this subchapter:

36 A. Identify and designate geographic areas in the planning
district using at least 2 basic types of growth area or
38 rural area, as defined in this chapter.

40 (1) Within growth areas, each planning district shall:

42 (a) Establish development standards;

44 (b) Establish timely permitting procedures;

46 (c) Ensure that needed public services are
48 available; and

2 (d) Prevent inappropriate development in natural
3 hazard areas, including flood plains and areas of
4 high erosion.

5
6 (2) Within rural areas, each planning district shall
7 adopt land use policies and ordinances to discourage
8 incompatible development. These policies and
9 ordinances may include, without limitation, density
10 limits, cluster or special zoning, acquisition of land
11 or development rights or performance standards. The
12 planning district should also identify which rural
13 areas qualify as critical rural areas, as defined in
14 this chapter. These areas would receive priority
15 consideration for proactive strategies designed to
16 enhance rural industries, manage wildlife and fisheries
17 habitat and preserve sensitive natural areas.

18 (3) Planning districts may also designate one or more
19 portions of land area as transitional areas, which do
20 not meet either the definition of a growth or rural
21 area. These areas may be appropriate for
22 medium-density development that does not require
23 expansion of municipal facilities and does not include
24 significant rural resources.

25 (4) A planning district is not required to identify
26 growth areas for residential growth if it demonstrates
27 that it is not possible to accommodate future
28 residential growth in these areas because of severe
29 physical limitations, including, without limitation,
30 the lack of adequate water supply and sewage disposal
31 services, very shallow soils or limitations imposed by
32 protected natural resources.

33 (5) A planning district is not required to identify
34 growth areas for residential, commercial or industrial
35 growth if it demonstrates that the planning district
36 has experienced minimal or no residential, commercial
37 or industrial development over the past decade and this
38 condition is expected to continue over the 10-year
39 planning period.

40 (6) A planning district exercising the discretion
41 afforded by subsections 3-A or 4 shall review the basis
42 for its demonstration during the periodic revisions
43 undertaken pursuant to section 4347-A;

44 B. Develop a capital investment plan for financing the
45 replacement and expansion of public facilities and services
46 required to meet projected growth and development;
47
48
49
50

- 2 C. Protect, maintain and, when warranted, improve the water
4 quality of each water body pursuant to Title 38, chapter 3,
6 subchapter I, article 4-A and ensure that the water quality
 will be protected from long-term and cumulative increases in
 phosphorus from development in great pond watersheds;
- 8 D. Ensure that its land use policies and ordinances are
10 consistent with applicable state law regarding critical
12 natural resources. A municipality, or multimunicipal
 planning district, if authorized to enact ordinances, may
 adopt ordinances more stringent than applicable state law;
- 14 E. Ensure the preservation of access to coastal waters
16 necessary for commercial fishing and commercial mooring,
18 docking and related parking facilities. Each coastal
20 planning district may identify and designate one or more
 critical waterfront areas and implement policies to ensure
 protection of those areas or shall otherwise discourage new
 development that is incompatible with uses related to the
22 marine resources industry;
- 24 F. Ensure the protection of agricultural and forest
26 resources. Each planning district shall discourage new
 development that is incompatible with uses related to the
 agricultural and forest industry;
- 28 G. Ensure that the planning district's land use policies
30 and ordinances encourage the siting and construction of
32 affordable housing within the community and comply with the
34 requirements of section 4358 pertaining to individual mobile
36 home and mobile home park siting and design requirements.
38 The planning district shall seek to achieve a level of at
40 least 10% of new residential development, based on a 5-year
 historical average of residential development in the
 planning district and meeting the definition of affordable
 housing. A planning district is encouraged to seek creative
 approaches to assist in the development of affordable
 housing, including, but not limited to, cluster housing,
42 reduced minimum lot and frontage sizes, increasing
 residential densities and use of municipally owned land;
- 44 H. Ensure that the value of historical and archeological
 resources is recognized and that protection is afforded to
 those resources that merit it;
- 46 I. Encourage the availability of and access to traditional
48 outdoor recreation opportunities, including, without
50 limitation, hunting, boating, fishing and hiking and
 encourage the creation of greenbelts, public parks, trails

2 and conservation easements. Each planning district shall
3 identify and encourage the protection of undeveloped
4 shoreland and other areas identified in the local planning
5 process as meriting that protection;

6 J. Develop management goals for great ponds pertaining to
7 the type of shoreline character, intensity of surface water
8 use, protection of resources of state significance and type
9 of public access appropriate for the intensity of use of
10 great ponds within a planning district's jurisdiction; and

11 K. Ensure the efficient use and functional integrity of
12 state and state aid highway infrastructure. To achieve this
13 goal, each planning district shall manage highway access to
14 ensure that existing posted speeds in excess of 45 miles per
15 hour on rural arterial and major collector roads between
16 service centers are maintained.

17
18 **4. Regional coordination program.** A regional coordination
19 program must be developed with other municipalities to manage
20 shared resources and facilities, such as rivers, aquifers,
21 transportation facilities and others. This program must provide
22 for consistency with the comprehensive plans of other
23 municipalities for these resources and facilities.
24

25 **5. Implementation program.** An implementation program must
26 be adopted that is consistent with the strategies in subsection 3
27 3-A.
28

29 **Sec. 21. 30-A MRS §4326-A** is enacted to read:

30
31 **§4326-A. Cooperative local growth management activities**

32
33 This section governs cooperative local growth management
34 efforts conducted by 2 or more municipalities.

35
36 **1. Within municipality.** A municipality may exercise its
37 land use planning and management authority over the total land
38 area within its jurisdiction.

39
40 **2. Multimunicipal region.** Any combination of contiguous
41 municipalities may conduct joint planning and regulatory programs
42 to meet the requirements of this subchapter upon adoption of a
43 written comprehensive planning and enforcement agreement by the
44 municipal legislative bodies involved. The agreement must be in
45 writing, approved by the municipal legislative bodies and
46 forwarded to the office. The municipalities must agree:

47
48 **A. On procedures for joint action in the preparation and**
49 **adoption of comprehensive plans, land use regulations and**
50

2 other implementation measures to be conducted on a
3 multimunicipal basis;

4 B. On the manner of representation on any such joint land
5 use body; and

6
7 C. On the amount and source of contribution from each
8 municipality for any costs incurred in the development,
9 implementation and enforcement of the comprehensive plan and
10 its implementation program and on the method of distributing
11 the benefits or impacts of regional land use, economic
12 development, housing, transportation, infrastructure or
13 other shared plans and programs.

14
15 **Sec. 22. 30-A MRSA §4327**, as amended by PL 1993, c. 721, Pt.
16 A, §4 and affected by Pt. H, §1, is repealed.

17 **Sec. 23. 30-A MRSA §4331**, as enacted by PL 1993, c. 721, Pt.
18 A, §5 and affected by Pt. H, §1, is repealed.

19
20 **Sec. 24. 30-A MRSA §4345**, as amended by PL 1995, c. 395, Pt.
21 d, §13, is further amended to read:

22
23 **§4345. Purpose; office to administer program**

24
25 Under the provisions of this article, a municipality
26 planning district may request financial or technical assistance
27 from ~~the State Planning Office, referred to in this article as~~
28 the office, for the purpose of planning and implementing a local
29 growth management program. A municipality planning district that
30 requests and receives a financial assistance grant shall develop
31 and implement its growth management program in cooperation with
32 the office and in a manner consistent with the provisions of this
33 article.

34
35 To accomplish the purposes of this article, the office shall
36 develop and administer a technical and financial assistance
37 program for municipalities planning districts. The program must
38 include direct financial assistance for planning and
39 implementation of local growth management programs, standards
40 governing the review of local growth management programs by the
41 office, technical assistance to municipalities planning districts
42 and a voluntary certification program for local growth management
43 programs.

44
45 **Sec. 25. 30-A MRSA §4346**, as amended by PL 1993, c. 721, Pt.
46 A, §§7 to 10 and affected by Pt. H, §1, is further amended to
47 read:

48
49 **§4346. Technical and financial assistance program**

2 The technical and financial assistance program for
3 ~~municipalities--and--regional--councils~~ planning districts is
4 established to encourage and facilitate the adoption and
5 implementation of local, regional and statewide growth management
6 programs ~~throughout-the-State~~.

8 The office may enter into financial assistance grants only
9 to the extent that funds are available. In making grants, the
10 office shall consider the need for planning in a municipality
11 planning district, the proximity of the municipality planning
12 district to other ~~towns~~ areas that are conducting or have
13 completed the planning process and the economic and geographic
14 role of the municipality planning district within a regional
15 context. The office may consider other criteria in making
16 grants, as long as the criteria support the goal of encouraging
17 and facilitating the adoption and implementation of a local and
18 multimunicipal growth management ~~program~~ programs consistent with
19 the provisions of this article. In order to maximize the
20 availability of the technical and financial assistance program to
21 all municipalities, multimunicipal regions and regional councils,
22 financial assistance programs administered competitively under
23 this article are exempted from 18-554 C.M.R. Chapter 110, the
24 Rules for the Purchase of Services and Awards. The office shall
25 publish a program statement describing its grant program and
26 advertising its availability to eligible applicants.

28 **2-A. Financial assistance grants.** A contract for a
29 financial assistance grant must:

31 A. Provide for the payment of a specific amount for the
32 purposes of planning and preparing a comprehensive plan;

34 B. Provide for the payment of a specific amount for the
35 purposes of implementing that comprehensive plan; and

37 C. Include specific timetables governing the preparation
38 and submission of products by the municipality planning
39 district.

41 The office may not require a municipality planning district to
42 provide matching funds in excess of 25% of the value of that
43 municipality's financial assistance contract for its first
44 planning assistance and implementation assistance grants. The
45 office may require a higher match for other grants, including,
46 but not limited to, grants for the purpose of updating
47 comprehensive plans. This match limitation does not apply to
48 distribution of federal funds that the office may administer.

2 **2-B. Use of funds.** A municipality planning district may
3 expend financial assistance grants for:

4 A. The conduct of surveys, inventories and other
5 data-gathering activities;

6 B. The hiring of planning and other technical staff;

7 C. The retention of planning consultants;

8 D. Contracts with regional councils for planning and
9 related services;

10 E. Assistance in the development of ordinances;

11 F. Retention of technical and legal expertise ~~for~~
12 ~~permitting-activities;~~

13 G. The updating of growth management programs or components
14 of a program; and

15 G-1. Evaluation of growth management programs; and

16 H. Any other purpose agreed to by the office and the
17 municipality planning district that is directly related to
18 the preparation of a comprehensive plan or the preparation
19 of ~~policies, programs and land use ordinances to implement~~
20 that implementation of a comprehensive plan adopted under
21 this subchapter.

22 **2-C. Program evaluation.** Any recipient of a financial
23 assistance grant shall cooperate with the office in performing
24 program evaluations required under section 4350.

25 **3. Technical assistance.** Using its own staff, the staff of
26 other state agencies, contractors and the resources of the
27 regional councils, the office shall provide technical assistance
28 to municipalities and multimunicipal regions in the development,
29 administration and enforcement of local growth management
30 programs. The technical assistance component of the program must
31 include a set of model land use ordinances or other
32 implementation strategies developed by the office that are
33 consistent with this subchapter.

34 **4. Regional council assistance.** As part of the technical
35 and financial assistance program, the office may develop and
36 administer a program to develop regional education and training
37 programs, regional policies to address state goals and regional
38 assessments. Regional assessments may include, but are not
39 limited to, public infrastructure, inventories of agricultural

2 and commercial forest lands, housing needs, recreation and open
3 space needs, and projections of regional growth and economic
4 development. The program may include guidelines to ensure
5 methodological consistency among the State's regional councils.
6 To implement this program, the office may contract with regional
7 councils to assist the office in reviewing local growth
8 management programs, to develop necessary planning information at
9 a regional level or to provide support for local planning efforts.

10 **5. Coordination.** State agencies with regulatory or other
11 authority affecting the goals established in this subchapter
12 shall conduct their respective activities in a manner consistent
13 with the goals established under this subchapter, including, but
14 not limited to, coordinating with municipalities, regional
15 councils and other state agencies in meeting the state goals,
16 providing available information to regions and municipalities as
17 described in section 4326, subsection 1, cooperating with efforts
18 to integrate and provide access to geographic information system
19 data, making state investments and awarding grant money as
20 described in section 4349-A and conducting reviews of growth
21 management programs as provided in section 4347, subsection 1.
22 Without limiting the application of this section to other state
23 agencies, the following agencies shall comply with this section
24 subchapter. The Land and Water Resources Council shall
25 periodically, but in no event less than biannually, review the
26 effectiveness of agency coordination efforts, including, but not
27 limited to, those in section 4349-A:

- 28
- 29 A. Department of Conservation;
 - 30 B. Department of Economic and Community Development;
 - 31 C. Department of Environmental Protection;
 - 32 D. Department of Agriculture, Food and Rural Resources;
 - 33 E. Department of Inland Fisheries and Wildlife;
 - 34 F. Department of Marine Resources;
 - 35 G. Department of Transportation;
 - 36 G-1. Department of Human Services;
 - 37 G-2. State Planning Office;
 - 38 H. Finance Authority of Maine; and
 - 39 I. Maine State Housing Authority.
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2 Sec. 26. 30-A MRSA §4347, as amended by PL 1993, c. 166, §§9
and 10, is repealed.

4 Sec. 27. 30-A MRSA §4347-A is enacted to read:

6 §4347-A. Review of programs by office

8 1. Comprehensive plans. A planning district that chooses
to prepare a growth management program and receives a planning
10 grant under this article shall submit its comprehensive plan to
the office for review. The office shall review plans for
12 consistency with the goals and guidelines established in this
subchapter. Any contract for a planning assistance grant must
14 include specific timetables governing the review of the
comprehensive plan by the office. Any comprehensive plan
16 submitted for review more than 12 months following a contract end
date may be required to update data, projections and other
18 time-sensitive portions of the plan or program to the office's
most current review standards.

20 2. Growth management programs. A planning district may at
22 any time request a certificate of consistency for its growth
management program. Upon a request for review under this
24 section, the office shall review the program and determine
whether the program is consistent with the procedures, goals and
26 guidelines established in this subchapter.

28 3. Review of comprehensive plan or growth management
program. In reviewing a comprehensive plan or growth management
30 program, the office shall:

32 A. Solicit written comments on any proposed comprehensive
plan or growth management program from regional councils,
34 state agencies, all municipalities contiguous to the
planning district submitting a comprehensive plan or growth
36 management program and any interested residents of the
planning district or of contiguous municipalities. The
38 comment period extends for 45 days after the office receives
the comprehensive plan or growth management program.

40 (1) Each state agency reviewing the proposal shall
42 designate a person or persons responsible for
coordinating the agency's review of the comprehensive
44 plan or growth management program.

46 (2) Any regional council commenting on a program shall
48 determine whether the program is compatible with those
of other municipalities that may be affected by the
50 program and with regional policies or needs identified
by the regional council;

2 B. Prepare all written comments from all sources in a form
3 to be forwarded to the planning district.

4
5 C. Within 60 days after receiving the comprehensive plan or
6 90 days after receiving the growth management program, send
7 all written comments on the comprehensive plan or growth
8 management program to the planning district and any
9 applicable regional council. If warranted, the office shall
10 issue findings specifically describing how the submitted
11 plan or growth management program is not consistent with
12 this subchapter and the recommended measures for remedying
13 the deficiencies. In its findings, the office shall clearly
14 indicate its position on any point on which there are
15 significant conflicts among the written comments submitted
16 to the office. If the office finds that the comprehensive
17 plan or growth management program was adopted under this
18 subchapter, the office shall issue a finding of consistency
19 for the comprehensive plan or a certificate of consistency
20 for the growth management program. If the same growth
21 management program or a component of the program has been
22 previously reviewed by the office under this article, any
23 finding of inconsistency on the same program or component
24 must be based on the written findings prepared by the office
25 at the time of the previous review.

26
27 (1) A finding of consistency for a comprehensive plan
28 expires in 5 years if a plan is not adopted by that
29 date. If the plan is adopted, the finding of
30 consistency expires 10 years from the date of the
31 office's original review finding of the plan or from
32 the date of plan adoption, whichever is earlier.

33
34 (2) Except as provided in subsection 1, certification
35 by the office of a planning district's growth
36 management program under this article is valid for 10
37 years. To maintain certification, a planning district
38 shall periodically review its growth management program
39 and submit to the office in a timely manner any
40 revisions necessary to account for changes, including
41 changes caused by growth and development.
42 Certification does not lapse in any year in which the
43 Legislature does not appropriate funds to the office
44 for the purposes of reviewing programs for
45 recertification;

46
47 D. Provide ample opportunity for the planning district
48 submitting a comprehensive plan or growth management program
49 to respond to and correct any identified deficiencies in the
50 program. A finding of inconsistency for a comprehensive

2 plan or growth management program may be addressed within 24
3 months of the date of the finding without jeopardizing
4 partial findings of consistency attained during that
5 review. After 24 months, the plan or program must be
6 resubmitted in its entirety for state review under the
7 office's current review standards; and

8 E. Provide an expedited review and certification procedure
9 for those submissions that represent minor amendments to
10 certified growth management programs.

12 The office's decision on consistency of a comprehensive plan or
13 growth management program constitutes final agency action.

14
15 4. Updates and amendments. A planning district may submit
16 proposed amendments to a comprehensive plan or growth management
17 program to the office for review in the same manner as provided
18 for the review of new plans and programs. Subsequent to
19 voluntary certification under this subsection, the planning
20 district shall file a copy of an amendment to a growth management
21 program with the office within 30 days after adopting the
22 amendment and at least 60 days prior to applying for any state
23 grant program that offers a preference for consistency or
24 certification.

26 5. Regional councils. Subject to the availability of
27 funding and pursuant to the conditions of a contract, each
28 regional council shall review and submit written comments on the
29 comprehensive plan or growth management program of any planning
30 district within its planning region. The comments must be
31 submitted to the office and contain an analysis of:

32
33 A. Whether the comprehensive plan or growth management
34 program is compatible with identified regional policies and
35 needs; and

36
37 B. Whether the comprehensive plan or growth management
38 program is compatible with those of other municipalities
39 that may be affected by the proposal.

40
41 **Sec. 28. 30-A MRSA §4348**, as amended by PL 1993, c. 166, §11,
42 is repealed.

43
44 **Sec. 29. 30-A MRSA §4349-A, sub-§1, ¶A**, as enacted by PL 1999,
45 c. 776, §10, is amended to read:

46
47 A. A locally designated growth area, as identified in a
48 comprehensive plan adopted pursuant to and consistent with
49 the goals and guidelines of this subchapter or as identified

2 in a growth management program certified under section
3 4347-A;

4 **Sec. 30. 30-A MRSA §4349-A, sub-§2**, as enacted by PL 1999, c.
5 776, §10, is amended to read:

6 **2. State facilities.** The Department of Administrative and
7 Financial Services, Bureau of General Services shall develop site
8 selection criteria for state office buildings, state courts and
9 other state civic buildings that serve public clients and
10 customers, whether owned or leased by the State, that give
11 preference to the priority locations identified in this
12 subsection while ensuring safe, healthy, appropriate work space
13 for employees and clients and accounting for agency
14 requirements. Preference must be given to priority locations in
15 the following order: service center downtowns, service center
16 growth areas and downtowns and growth areas in other than service
17 center communities. If no suitable priority location exists or
18 if the priority location would impose an undue financial hardship
19 on the occupant or is not within a reasonable distance of the
20 clients and customers served, the facility must be located in
21 accordance with subsection 1. The following state facilities are
22 exempt from this subsection: a state liquor store; a lease of
23 less than 500 square feet; and a lease with a tenure of less than
24 one year, including renewals.

25 ~~For the purposes of this subsection, "service center" means a~~
26 ~~community that serves the surrounding region, drawing workers,~~
27 ~~shoppers and others into the community for jobs and services.~~

28 **Sec. 31. 30-A MRSA §4349-A, sub-§2-A** is enacted to read:

29 **2-A. State's role in implementation of growth management**
30 **programs.** All state agencies, as partners in local and regional
31 growth management efforts, shall consciously contribute to the
32 successful implementation of comprehensive plans and growth
33 management programs adopted under this subchapter by making
34 investments, delivering programs and awarding grants in a manner
35 that reinforces the policies and strategies within the plans or
36 programs. Assistance must be provided within the confines of
37 agency policies, available resources and considerations related
38 to overriding state interest.

39 **Sec. 32. 30-A MRSA §4349-A, sub-§3**, as enacted by PL 1999, c.
40 776, §10, is amended to read:

41 **3. Preferences for other state grants and investments.**
42 When awarding grants or assistance ~~for capital investments~~ making
43 a discretionary investment under any of the following programs or
44 undertaking its own capital investment programs other than for
45

2 projects identified in section 4301, subsection 5-B, a state
3 agency shall respect the primary purpose of its grant or
4 investment program and, to the extent feasible, give preference
5 first to a municipality that receives a certificate of
6 consistency under section 4348--or 4347-A and 2nd to a
7 municipality that has adopted a comprehensive plan and
8 implementation---strategies consistent with the goals and
9 guidelines of this subchapter over a municipality that does not
10 obtain the certificate or finding of consistency within 4 years
11 after receipt of the first installment of a financial assistance
12 grant or rejection of an offer of financial assistance. This
13 subsection applies to:

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

17 B. Programs intended to:

18 (1) Accommodate or encourage additional growth and
19 development;

20 (2) Improve, expand or construct public facilities; or

21 (3) Acquire land for conservation or management of specific
22 economic and natural resource concerns.

23 This subsection does not apply to state grants or other
24 assistance for sewage treatment facilities, public health
25 programs or education.

26 The office shall work with state agencies to prepare mechanisms
27 for establishing preferences in specific investment and grant
28 programs as described in paragraphs A and B.

29 **Sec. 33. 30-A MRS §4350** is enacted to read:

30 **§4350. Evaluation process**

31 The office shall conduct an ongoing evaluation process to
32 determine the effectiveness of state, regional and local efforts
33 under this chapter to achieve the purposes and goals of this
34 chapter. Working through the Land and Water Resources Council,
35 the office shall seek the assistance of other state agencies. If
36 requested, all state agencies shall render assistance to the
37 office in this effort.

38 **1. Criteria.** In conducting the evaluation, the office shall
39 develop criteria based on the goals of this chapter. The

2 criteria must be objective, verifiable and, to the extent
3 practicable, quantifiable.

4 2. Baseline conditions. The office shall establish a
5 baseline of land use conditions at a level of detail sufficient
6 to permit general comparison of state and regional trends in
7 future land use development patterns.

8 3. Public input. The office shall incorporate opportunities
9 for public input and comment into the evaluation process.

10 4. Level of analysis. The office shall evaluate the program
11 generally at a regional and statewide level. To illustrate the
12 impact of the program, the office shall compare land use
13 development trends and patterns in a sample of towns that have
14 participated in the program with a matched sample of towns that
15 have not participated. The evaluation performed by the office
16 shall include an analysis of the State's financial commitment to
17 growth management.

18 5. Periodic reports. Beginning on January 1, 1995, the
19 office shall report in writing on the results of its evaluation
20 process every 4 years and more frequently if necessary. The
21 office shall submit its report to the joint standing committees
22 of the Legislature having jurisdiction over natural resources
23 matters and appropriations and financial affairs, which
24 committees shall submit the report to the Legislature with any
25 comments or recommendations those committees may wish to include.

26 **Sec. 34. Revisor's review; cross-references.** The Revisor of
27 Statutes shall review the Maine Revised Statutes and include in
28 the errors and inconsistencies bill submitted to the Second
29 Regular session of the 120th Legislature pursuant to Title 1,
30 section 94, any sections necessary to correct and update any
31 cross-references in the statutes to provisions of law repealed in
32 this Act.

38 SUMMARY

39
40
41 This bill amends the comprehensive planning and land use
42 regulation laws to add and improve definitions, particularly
43 those related to growth, rural and transitional areas. The bill
44 proposes to protect municipalities from unintended consequences
45 of deadlines in the law by adding a severability clause, limiting
46 the scope of affected ordinances and creating an exemption for
47 municipalities that have been denied financial assistance. The
48 bill reinforces the State's role and regional and municipal roles
49 in growth management, more clearly enables multimunicipal
50 planning efforts and allows for those within the Maine Land Use

Regulation Commission's jurisdiction to participate if desired.
2 The bill extends the exemption for designating residential growth
3 areas to commercial and industrial areas in small, slow-growing
4 municipalities. Procedural adjustments are made in the state
5 review and financial assistance program guidelines to reflect the
6 aging of the program and introduction of a competitive grant
7 application process. The bill reinstates preferences in state
8 grant programs and investments for municipalities with certified
9 growth management programs and comprehensive plans that were
10 inadvertently eliminated in the amendments adopted in the last
11 legislative session and clarifies that the State Planning Office
12 has rule-making authority to administer the Maine Revised
Statutes, Title 30-A, chapter 187.