

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

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No. 1045

H.P. 762

House of Representatives, February 26, 2003

**An Act To Require Major Substantive Rules To Govern the State
Planning Office's Review of Municipal Comprehensive Plans and
Growth Management Programs for Consistency**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative COLLINS of Wells.
Cosponsored by Senator GILMAN of Cumberland and
Representatives: BUNKER of Kossuth Township, CROSTHWAITE of Ellsworth, HONEY of
Boothbay, MARLEY of Portland, McGOWAN of Pittsfield, PEAVEY-HASKELL of
Greenbush, PINEAU of Jay.

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

2
4 **Sec. 1. 30-A MRSA §4312, sub-§4**, as amended by PL 2001, c. 406, §2, is further amended to read:

6 **4. Limitation on state rule-making authority.** The office
8 is authorized to adopt rules necessary to carry out the purposes
10 of this subchapter. Rules adopted pursuant to this section are
12 routine technical rules as defined in Title 5, chapter 375,
14 subchapter II-A 2-A, except that rules governing the office's
16 review of a growth management program, elements of a growth
management program or any municipal ordinance pursuant to section
4314 or 4347-A are major substantive rules. This section may
not be construed to grant any separate regulatory authority to
any state agency beyond that necessary to implement this
subchapter.

18 **Sec. 2. 30-A MRSA §4314**, as amended by PL 2001, c. 578, §10,
20 is further amended by adding at the end a new paragraph to read:

22 All procedures, submission and response time requirements
24 and standards of review pertaining to the review of municipal
ordinances according to this section are governed by rules
adopted by the office pursuant to section 4312, subsection 4.

26 **Sec. 3. 30-A MRSA §4347-A, sub-§1**, as amended by PL 2001, c.
28 578, §20, is further amended to read:

30 **1. Comprehensive plans.** A municipality or multimunicipal
32 region that chooses to prepare a growth management program and
34 receives a planning grant under this article shall submit its
36 comprehensive plan to the office for review. The office shall
38 review plans for consistency with the goals and guidelines
40 established in this subchapter. The office's review must be
42 conducted according to procedures, submission and response time
44 requirements and standards of review established by this section
and rules adopted by the office pursuant to section 4312,
subsection 4. Any contract for a planning assistance grant must
include specific timetables governing the review of the
comprehensive plan by the office. Any comprehensive plan
submitted for review more than 12 months following a contract end
date may be required to update data, projections and other
time-sensitive portions of the plan or program to the office's
most current review standards.

46 **Sec. 4. 30-A MRSA §4347-A, sub-§2, ¶A**, as enacted by PL 2001,
48 c. 406, §10, is amended to read:

2 A. Upon a request for review under this section, the office
3 shall review the program and determine whether the program
4 is consistent with the procedures, goals and guidelines
5 established in this subchapter. The office's review must be
6 conducted according to procedures, submission and response
7 time requirements and standards of review established by
8 this section and rules adopted by the office pursuant to
9 section 4312, subsection 4.

10 • **Sec. 5. 30-A MRSA §4347-A, sub-§3**, as amended by PL 2001, c.
11 578, §20, is further amended by amending the last paragraph to
12 read:

13 The office's decision on consistency of a comprehensive plan or
14 growth management program constitutes final agency action. If
15 the office fails to provide its comments or findings in writing
16 within the time frames established by this section, the
17 comprehensive plan or growth management program must be deemed
18 compliant with this chapter.

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SUMMARY

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25 This bill provides that rules adopted by the Executive
26 Department, State Planning Office regarding review of municipal
27 growth management programs, comprehensive plans and municipal
28 ordinances for consistency with the goals of the growth
29 management laws are major substantive rules. The bill also
30 requires the State Planning Office to make its findings of a
31 growth management program or comprehensive plan's consistency or
32 inconsistency with the growth management laws within the time
frames already established in law.