

# MAINE STATE LEGISLATURE

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R.O.S.

L.D. 286

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STATE AND LOCAL GOVERNMENT

Majority

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 211, L.D. 286, Bill, "An Act To Eliminate the State Planning Office"

Amend the bill by striking out the title and substituting the following:

'An Act To Eliminate Certain Programs of the State Planning Office'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 30-A MRSA §4347-A, sub-§1, as amended by PL 2003, c. 641, §13, is further amended to read:

1. **Comprehensive plans.** A municipality or multimunicipal region that chooses to prepare a growth management program and receives a planning grant under this article shall submit its comprehensive plan to the office for review. ~~A municipality or multimunicipal region that chooses to prepare a growth management program without receiving a planning grant under this article may submit its comprehensive plan to the office for review.~~ The office shall review plans for consistency with the procedures, goals and guidelines established in this subchapter. A contract for a planning assistance grant must include specific timetables governing the review of the comprehensive plan by the office. A comprehensive plan submitted for review more than 12 months following a contract end date may be required to contain data,

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projections and other time-sensitive portions of the plan or program that are in compliance with the office's most current review standards. Review by the office is advisory only.

Sec. 2. 30-A MRSA §4347-A, sub-§2, as amended by PL 2003, c. 641, §14, is repealed.

Sec. 3. 30-A MRSA §4347-A, sub-§3, as amended by PL 2003, c. 641, §15, is further amended to read:

3. **Review of comprehensive plan or growth management program.** In reviewing a comprehensive plan or growth management program under a planning grant, the office shall:

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

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

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

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region; and

C. Within 60 days after receiving the comprehensive plan or 90 days after receiving the growth management program, send all written comments on the comprehensive plan or growth management program to the municipality or multimunicipal region and any applicable regional council. If warranted, the office shall issue findings specifically describing how the submitted plan or growth management program is not consistent with the procedures, goals and guidelines established in this subchapter and the recommended measures for remedying the deficiencies.

2 (1) In its findings, the office shall clearly indicate  
its position on any point on which there are  
4 significant conflicts among the written comments  
submitted to the office.

6 ~~(2) -- If the office finds that the comprehensive plan or  
growth management program was adopted in accordance  
8 with the procedures, goals and guidelines established  
in this subchapter, the office shall issue a finding of  
10 consistency for the comprehensive plan or a certificate  
of consistency for the growth management program.~~

12 ~~(3) -- Notwithstanding paragraph D, if a municipality or  
14 multimunicipal region requests a certificate of  
consistency for its growth management program, any  
16 unmodified component of that program that has  
previously been reviewed by the office and has received  
18 a finding of consistency will retain that finding  
during program certification review by the office as  
20 long as the finding of consistency is current as  
defined in rules adopted by the office;~~

22 ~~D. -- Provide ample opportunity for the municipality or  
24 multimunicipal region submitting a comprehensive plan or  
growth management program to respond to and correct any  
26 identified deficiencies in the plan or program. A finding  
of inconsistency for a comprehensive plan or growth  
28 management program may be addressed within 24 months of the  
date of the finding without addressing any new review  
30 standards that are created during that time interval. After  
24 months, the plan or program must be resubmitted in its  
32 entirety for state review under the office's most current  
review standards; and~~

34 ~~E. -- Provide an expedited review and certification procedure  
36 for those submissions that represent minor amendments to  
certified growth management programs.~~

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

42 **SUMMARY**

44 This amendment replaces the original bill. The amendment  
46 removes the option of a municipality or multimunicipal region  
that has not yet received a planning grant to submit its  
48 comprehensive plan to the Executive Department, State Planning  
Office for review. It eliminates the process for a municipality  
50 or multimunicipal region to periodically revise its growth

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2 management program to account for changes. It removes the  
responsibility of the State Planning Office to review  
4 comprehensive land use plans and growth management programs and  
issue certificates of consistency. It removes the responsibility  
6 of the State Planning Office to review rate-of-growth, impact fee  
and zoning ordinances to determine whether they are consistent  
8 with a comprehensive plan. It removes the need for a positive  
review of comprehensive plans by the State Planning Office for a  
10 municipality or multimunicipal region to receive state capital  
investments. It removes the provision that the State Planning  
12 Office decision on consistency of a comprehensive plan or growth  
management program constitutes final agency action and makes  
clear that review is advisory only.

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