

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1940

S.P. 789

In Senate, May 16, 2023

**An Act to Promote Consistent Policies within Growth Management  
Programs in Order to Increase Food Security and Economic  
Resiliency in Local Communities**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

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

2 **Sec. 1. 30-A MRSA §4312, sub-§2, ¶G**, as amended by PL 2001, c. 578, §7, is  
3 further amended to read:

4 G. Encourage the widest possible involvement by the citizens of each municipality in  
5 all aspects of the planning and implementation process, in order to ensure that the plans  
6 developed by municipalities have had the benefit of citizen input; ~~and~~

7 **Sec. 2. 30-A MRSA §4312, sub-§2, ¶I**, as enacted by PL 2001, c. 578, §8, is  
8 amended to read:

9 I. Encourage the development and implementation of multimunicipal growth  
10 management programs; ~~and~~

11 **Sec. 3. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

12 J. Encourage municipalities to ensure that the language and requirements in charters,  
13 policies, codes, regulations, bylaws and fees align with each other and meet the overall  
14 intent of the comprehensive plan approved by the legislative body.

15 **Sec. 4. 30-A MRSA §4312, sub-§3, ¶L**, as amended by PL 2021, c. 657, §3, is  
16 further amended to read:

17 L. To encourage municipalities to develop policies that accommodate older adults with  
18 aging in place and that encourage the creation of age-friendly communities; ~~and~~

19 **Sec. 5. 30-A MRSA §4312, sub-§3, ¶N**, as enacted by PL 2019, c. 153, §3 and  
20 reallocated by RR 2019, c. 1, Pt. A, §39, is amended to read:

21 N. To plan for the effects of the rise in sea level on buildings, transportation  
22 infrastructure, sewage treatment facilities and other relevant state, regional, municipal  
23 or privately held infrastructure, property or resources; ~~and~~

24 **Sec. 6. 30-A MRSA §4312, sub-§3, ¶O** is enacted to read:

25 O. To encourage municipalities to develop policies that assess community needs and  
26 environmental, food security and economic resiliency effects of municipal regulations,  
27 lessen the effect of excessive parking requirements for buildings in downtowns and on  
28 main streets and provide for alternative approaches for compliance relating to the reuse  
29 of upper floors of buildings in downtowns and on main streets.

30 **Sec. 7. 30-A MRSA §4323, sub-§3**, as enacted by PL 1989, c. 104, Pt. A, §45 and  
31 Pt. C, §10, is amended to read:

32 **3. Other.** Do all other things necessary to carry out the purposes of this subchapter,  
33 including ensuring that the language and requirements in charters, policies, codes,  
34 regulations, bylaws and fees align with each other and meet the overall intent of the  
35 comprehensive plan approved by the legislative body.

36 **Sec. 8. 30-A MRSA §4324, sub-§11** is enacted to read:

37 **11. Language and requirements align and meet intent of comprehensive plan.** A  
38 municipality or multimunicipal region shall ensure that the language and requirements in  
39 charters, policies, codes, regulations, bylaws and fees align with each other and meet the  
40 overall intent of the comprehensive plan approved by the legislative body.

1           **Sec. 9. 30-A MRSA §4326, sub-§1, ¶H,** as amended by PL 2021, c. 657, §5, is  
2 repealed and the following enacted in its place:

3           H. Residential housing stock, including affordable housing, and policies that assess  
4 community needs and environmental, food security and economic resiliency effects of  
5 municipal regulations, lessen the effect of excessive parking requirements for buildings  
6 in downtowns and on main streets and provide for alternative approaches for  
7 compliance relating to the reuse of upper floors of buildings in downtowns and on main  
8 streets;

9           **Sec. 10. 30-A MRSA §4326, sub-§2, ¶C,** as enacted by PL 1989, c. 104, Pt. A,  
10 §45 and Pt. C, §10, is amended to read:

11           C. Address any conflicts between regional and local issues; ~~and~~

12           **Sec. 11. 30-A MRSA §4326, sub-§2, ¶D,** as amended by PL 2001, c. 578, §15, is  
13 further amended to read:

14           D. Address the State's coastal policies if any part of the municipality or multimunicipal  
15 region is a coastal area; and

16           **Sec. 12. 30-A MRSA §4326, sub-§2, ¶E** is enacted to read:

17           E. Ensure that the language and requirements in charters, policies, codes, regulations,  
18 bylaws and fees align with each other and meet the overall intent of the comprehensive  
19 plan approved by the legislative body.

20           **Sec. 13. 30-A MRSA §4326, sub-§3-A, ¶A,** as corrected by RR 2021, c. 2, Pt. A,  
21 §109, is amended by amending subparagraph (1), division (c) to read:

22           (c) Ensure that needed public services are available; ~~and~~

23           **Sec. 14. 30-A MRSA §4326, sub-§3-A, ¶A,** as corrected by RR 2021, c. 2, Pt. A,  
24 §109, is amended by amending subparagraph (1), division (d) to read:

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

27           **Sec. 15. 30-A MRSA §4326, sub-§3-A, ¶A,** as corrected by RR 2021, c. 2, Pt. A,  
28 §109, is amended by enacting a new subparagraph (1), division (e) to read:

29           (e) Ensure that the language and requirements in charters, policies, codes,  
30 regulations, bylaws and fees align with each other and meet the overall intent  
31 of the comprehensive plan approved by the legislative body.

32           **Sec. 16. 30-A MRSA §4326, sub-§3-A, ¶G,** as repealed and replaced by PL 2021,  
33 c. 657, §6, is amended by amending subparagraph (5), division (a) to read:

34           (a) Assess community needs and environmental, food security and economic  
35 resiliency effects of municipal regulations;

36   **SUMMARY**

37           This bill amends the laws governing planning and land use regulation to encourage:

1           1. Municipalities to ensure that the language and requirements in charters, policies,  
2 codes, regulations, bylaws and fees align with each other and meet the overall intent of the  
3 comprehensive plan approved by the legislative body;

4           2. Municipalities to develop policies that assess community needs and environmental,  
5 food security and economic resiliency effects of municipal regulations, lessen the effect of  
6 excessive parking requirements for buildings in downtowns and on main streets and  
7 provide for alternative approaches for compliance relating to the reuse of upper floors of  
8 buildings in downtowns and on main streets; and

9           3. In the development of affordable housing, municipalities and multimunicipal regions  
10 to establish policies that assess food security and economic resiliency effects of municipal  
11 regulations.