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L.D. 1976

Date: 4/11/24

MAJORITY

(Filing No. H-960)

HOUSING

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1267, L.D. 1976, "An Act to Update the Growth Management Program Laws"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 30-A MRSA §4301, as amended by PL 2021, c. 590, Pt. A, §§3 to 5 and c. 754, §1, is further amended to read:

§4301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Affordable housing.** "Affordable housing" means a decent, safe and sanitary dwelling, ~~apartment~~ or other living accommodation ~~for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended.~~ as follows:

A. Rental housing that a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household's monthly income on housing costs; and

B. With respect to housing that is owned, housing that a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household's monthly income on housing costs.

1-A. **Cluster development.** "Cluster development" means a form of development that allows a subdivision design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of

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1 environmentally sensitive areas, agriculture and silviculture and the reduction in the size
2 of road and utility systems.

3 **1-B. Age-friendly community.** "Age-friendly community" means a community
4 where policies, services, settings and structures support and enable older ~~people~~ residents
5 to actively age in place and that recognizes the capabilities, resources and needs of older
6 ~~adults~~ residents, plans to meet the needs of older ~~adults~~ residents in flexible ways that
7 support healthy and active aging, promotes the inclusion and contributions of older ~~adults~~
8 residents in all areas of community life, respects the self-determination and independence
9 of older ~~adults~~ residents and protects those older ~~adults~~ residents who are most vulnerable.

10 **1-C. Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained
11 dwelling unit located within, attached to or detached from a single-family dwelling unit
12 located on the same parcel of land.

13 **1-D. Agricultural soils.** "Agricultural soils" means farmland soils identified and
14 mapped by the United States Department of Agriculture, Natural Resources Conservation
15 Service and state soil and water conservation districts as prime farmland, soils of statewide
16 importance and unique and locally important soils.

17 **1-E. Attainable housing.** "Attainable housing," "middle-income housing" or
18 "missing middle housing," means a decent, safe and sanitary dwelling or other living
19 accommodation that a household whose income is greater than 80% and less than 120% of
20 the median income for the area as defined by the United States Department of Housing and
21 Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50
22 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the
23 household's monthly income on housing costs.

24 **2. Coastal area.** "Coastal area" means a coastal island and any municipality or
25 unorganized township contiguous to tidal waters. The inland boundary of the coastal area
26 is the inland line of any coastal town line.

27 **3. Comprehensive plan.** "Comprehensive plan" means a document or interrelated
28 documents that are consistent with the goals, requirements and guidelines established under
29 subchapter 2 containing the elements established under section 4326 4326-A, subsections
30 1 to 4, including the strategies for an implementation program which are consistent with
31 the goals and guidelines established under subchapter H.

32 **4. Conditional zoning.** "Conditional zoning" means the process by which the
33 municipal legislative body may rezone property to permit the use of that property subject
34 to conditions not generally applicable to other properties similarly zoned.

35 ~~**4-A. Critical rural area.** "Critical rural area" means a rural area that is specifically~~
36 ~~identified and designated by a municipality's or multimunicipal region's comprehensive~~
37 ~~plan as deserving maximum protection from development to preserve natural resources and~~
38 ~~related economic activities that may include, but are not limited to, significant farmland;~~
39 ~~forest land or mineral resources; high value wildlife or fisheries habitat; scenic areas;~~
40 ~~public water supplies; scarce or especially vulnerable natural resources; flood buffer areas~~
41 ~~and flood-prone areas; and open lands functionally necessary to support a vibrant rural~~
42 ~~economy.~~

43 ~~**4-B. Critical waterfront area.** "Critical waterfront area" means a shorefront area~~
44 ~~characterized by functionally water dependent uses, as defined in Title 38, section 436 A,~~

1 ~~subsection 6, and specifically identified and designated by a municipality's or~~
 2 ~~multimunicipal region's comprehensive plan as deserving maximum protection from~~
 3 ~~incompatible development.~~

4 **4-C. Conserved lands.** "Conserved lands" means lands located in a municipality that
 5 are protected from development through conservation easements or ownership in fee by
 6 the municipality, the State, the Federal Government or a land conservation organization or
 7 other mechanisms intended to preserve natural resources and economic activities directly
 8 related to the protected lands.

9 **4-D. Critical natural resources.** "Critical natural resources" means the following
 10 natural resources:

- 11 A. A resource protection zone established under Title 38, section 438-A, subsection 1;
- 12 B. Wetlands of special significance identified by the Department of Environmental
 13 Protection under Title 38, chapter 3, subchapter 1, article 4-A;
- 14 C. Significant wildlife habitat as defined in Title 38, section 480-B, subsection 10;
- 15 D. Habitats of threatened and endangered species and species of special concern as
 16 designated and mapped under Title 12, chapter 925;
- 17 E. Significant freshwater fisheries spawning habitat as identified and mapped by the
 18 Department of Inland Fisheries and Wildlife or the Department of Marine Resources;
- 19 F. Natural communities that are inventoried as critically imperiled, imperiled or rare
 20 and mapped in the Natural Areas Program under Title 12, section 544;
- 21 G. Areas containing threatened or endangered plant species in the Natural Areas
 22 Program under Title 12, section 544;
- 23 H. Coastal sand dune systems as defined by Title 38, section 480-B, subsection 1; and
- 24 I. Fragile mountain areas as defined by Title 38, section 480-B, subsection 3.

25 **5. Contract zoning.** "Contract zoning" means the process by which the property
 26 owner, in consideration of the rezoning of that person's property, agrees to the imposition
 27 of certain conditions or restrictions not imposed on other similarly zoned properties.

28 **5-A. Downtown.** "Downtown" means:

- 29 A. The central business district of a community that serves as the center for
 30 socioeconomic interaction in the community and is characterized by a cohesive core of
 31 commercial and mixed-use buildings, often interspersed with civic, religious and
 32 residential buildings and public spaces, typically arranged along a main street and
 33 intersecting side streets, walkable and served by public infrastructure; or
- 34 B. An area identified as a downtown in a comprehensive plan adopted pursuant to
 35 chapter 187, subchapter H 2.

36 **5-B. Growth-related capital investment.** "Growth-related capital investment"
 37 means investment by the State in only the following projects, even if privately owned,
 38 whether using state, federal or other public funds and whether in the form of a purchase,
 39 lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

- 40 A. Construction or acquisition of newly constructed multifamily rental housing;

1 B. Development and redevelopment of high-impact corridors and other designated
 2 growth areas that provide an opportunity for mixed-use development consisting of
 3 residential, light industrial or business parks uses;

4 C. Construction or extension or upgrade of sewer, water and other utility lines to
 5 support designated growth areas;

6 D. Grants and loans for public or quasi-public service infrastructure, public or quasi-
 7 public facilities and community buildings; and

8 E. Construction or expansion of state office buildings, state courts, hospitals and other
 9 quasi-public facilities and other civic buildings that serve public clients and customers.

10 "Growth-related capital investment" does not include investment in the following: the
 11 operation or maintenance of a governmental or quasi-governmental facility or program; the
 12 renovation of a governmental facility that does not significantly expand the facility's
 13 capacity; general purpose aid for education; school construction or renovation projects;
 14 highway or bridge projects; programs that provide direct financial assistance to individual
 15 businesses; community revenue sharing; or public health programs.

16 **5-C. Department.** "Department" means the Department of Agriculture, Conservation
 17 and Forestry.

18 **5-D. Development standards.** "Development standards" means performance and
 19 design standards for buildings, streets, civic spaces and sites that promote a pattern of
 20 development through the identification of characteristics unique to a placetype and to the
 21 areas that make up a placetype. "Development standards" includes, but is not limited to,
 22 street connectivity and design; location and design of civic spaces; building type, use, form,
 23 placement, arrangement and orientation on a lot; location of parking; storm water design;
 24 and other site design considerations.

25 **6. Development.** "Development" means a change in land use involving alteration of
 26 the land, water or vegetation, or the addition or alteration of structures or other construction
 27 not naturally occurring.

28 **6-A. Impact fee.** "Impact fee" means a charge or assessment imposed by a
 29 municipality against a new development to fund or recoup a portion of the cost of new,
 30 expanded or replacement infrastructure facilities necessitated by and attributable at least in
 31 part to the new development.

32 **6-B. Impact fee ordinance.** "Impact fee ordinance" means an ordinance that
 33 establishes the applicability, formula and means by which impact fees are assessed.

34 **6-C. Growth area.** ~~"Growth area" means an area that is designated in a municipality's~~
 35 ~~or multimunicipal region's comprehensive plan as suitable for orderly residential,~~
 36 ~~commercial or industrial development, or any combinations of those types of development,~~
 37 ~~and into which most development projected over 10 years is directed~~ a placetype or portion
 38 of a placetype that has been identified by a municipality or multimunicipal region in a
 39 comprehensive plan as an area for significant development and investment, including but
 40 not limited to new roads, utilities and infrastructure expansion. "Growth area" includes
 41 high-impact corridors.

42 **6-D. High-impact corridor.** "High-impact corridor" means a linear collection of
 43 predominantly commercial parcels of developed land along a road located proximate to a

1 downtown or village characterized by a low-density development pattern, with large areas
 2 of parking typically located between buildings and the road.

3 ~~7. **Implementation program.** "Implementation program" means that component of a~~
 4 ~~local growth management program that begins after the adoption of a comprehensive plan~~
 5 ~~and that includes the full range of municipal policy-making powers, including spending~~
 6 ~~and borrowing powers, as well as the powers to adopt or implement ordinances, codes,~~
 7 ~~rules or other land use regulations, tools or mechanisms that carry out the purposes and~~
 8 ~~general policy statements and strategies of the comprehensive plan in a manner consistent~~
 9 ~~with the goals and guidelines of subchapter 2.~~

10 7-A. **Important natural resources.** "Important natural resources" means those areas
 11 in the community important for strategic conservation planning purposes and not classified
 12 as critical natural resources, including but not limited to:

13 A. Large habitat blocks as identified by the Department of Inland Fisheries and
 14 Wildlife's habitat conservation mapping program;

15 B. Habitat connections as identified by the Department of Inland Fisheries and
 16 Wildlife's habitat conservation mapping program;

17 C. Focus areas of statewide ecological significance as identified in the Department of
 18 Inland Fisheries and Wildlife's federally required wildlife action plan; or

19 D. Exemplary natural community locations as inventoried and mapped under the
 20 Natural Areas Program under Title 12, section 544.

21 **8. Land use ordinance.** "Land use ordinance" means an ordinance or regulation of
 22 general application adopted by the municipal legislative body which controls, directs or
 23 delineates allowable uses of land and the standards for those uses.

24 **8-A. Local climate action plan.** "Local climate action plan" means a planning and
 25 decision-making document adopted by a municipality or multimunicipal region that:

26 A. Includes compiled information regarding climate and health risks;

27 B. Includes an evaluation of options for addressing climate and health risks by
 28 individuals, committees or offices in local or regional government that are responsible
 29 for planning, implementing and monitoring activities that reduce climate risk, build
 30 resilience to natural hazards and improve health and community capacity to manage
 31 crises; and

32 C. Is produced using community dialogue and participation in a manner that ensures
 33 the input and needs of the community's most vulnerable citizens are elevated and
 34 prioritized.

35 **9. Growth management program.** "Growth management program" means a
 36 document containing the components described in section 4326, ~~including the~~
 37 ~~implementation program, 4326-A, subsections 1 to 4~~ that is consistent with the goals,
 38 requirements and guidelines established by subchapter ~~H~~ 2 and that regulates land use
 39 beyond that required by Title 38, chapter 3, subchapter ~~I~~ 1, article 2-B.

40 **10. Planning committee.** "Planning committee" means the committee established by
 41 the municipal officers of a municipality or ~~combination of municipalities~~ multimunicipal
 42 region that has the general responsibility established under sections 4324 and ~~4326~~ 4326-A.

1 **11. Moratorium.** "Moratorium" means a land use ordinance or other regulation
 2 approved by a municipal legislative body that, if necessary, may be adopted on an
 3 emergency basis and given immediate effect and that temporarily defers all development,
 4 or a type of development, by withholding any permit, authorization or approval necessary
 5 for the specified type or types of development.

6 **11-A. Multimunicipal region.** "Multimunicipal region" means a region made up of
 7 2 or more municipalities that work together to cooperatively establish a growth
 8 management program or independent growth management programs that are unified with
 9 respect to the implementation of the state goal identified in section 4312, subsection 3,
 10 paragraph ~~A~~ A-1. The several municipalities in a multimunicipal region may establish the
 11 region pursuant to section 4325 or chapter 115.

12 **12. Municipal reviewing authority.** "Municipal reviewing authority" means the
 13 municipal planning board, agency or office, or if none, the municipal officers.

14 **12-A. Placetype.** "Placetype" means a definable geographic settlement pattern
 15 identifiable by the type of activities that occur there and by a set of characteristics related
 16 to its location, including the proximity and relationship to natural resources and rural areas;
 17 the size of the developed area; the arrangement of buildings and their uses; the pattern and
 18 arrangement of streets; the type of infrastructure available; and the presence of civic spaces
 19 and civic buildings.

20 **13-A. Rate of growth ordinance.** "Rate of growth ordinance" means a land use
 21 ordinance or other rule that limits the number of building or development permits issued
 22 by a municipality or other jurisdiction over a designated time frame.

23 **14. Regional council.** "Regional council" means a regional planning commission or
 24 a council of governments established under chapter 119, subchapter ~~I~~ 1.

25 **14-A. Service center community.** "Service center community" means a municipality
 26 or group of municipalities identified by the department according to a methodology
 27 established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-
 28 workers ratio, the amount of federally assisted housing and the volume of service sector
 29 jobs. Rules adopted pursuant to this subsection are routine technical rules as defined in
 30 Title 5, chapter 375, subchapter 2-A.

31 **14-B. Rural area.** "Rural area" means a geographic area that is identified and
 32 designated in a municipality's or multimunicipal region's comprehensive plan as an area
 33 that is deserving ~~of some level~~ of regulatory protection from unrestricted development for
 34 purposes that may include, but are not limited to, supporting farmland and agriculture,
 35 forest land and forestry, mineral resources and mining, open space, erosion mitigation,
 36 water retention, wildlife habitat, fisheries habitat ~~and~~, flood buffer areas and flood-prone
 37 areas, public water supplies, natural resources, open land and scenic lands, and away from
 38 which most development projected over 10 years is diverted. Characteristics of a rural area
 39 may include large tracts of open land, areas of conserved lands, working farms and forests
 40 and a pattern of development that is spaced apart with dense vegetation or large, open,
 41 undeveloped areas between buildings or groupings of buildings.

42 **14-C. Transitional area.** "~~Transitional area" means an area that is designated in a~~
 43 ~~municipality's or multimunicipal region's comprehensive plan as suitable for a share of~~
 44 ~~projected residential, commercial or industrial development but that is neither intended to~~

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1 ~~accept the amount or density of development appropriate for a growth area nor intended to~~
 2 ~~provide the level of protection for rural resources afforded in a rural area or critical rural~~
 3 ~~area.~~

4 14-D. Suburban area. "Suburban area" means a geographic area characterized by a
 5 fragmented development pattern, typically segregated by use, that often occurs on formerly
 6 rural land and where roadways are generally curvilinear and noncontiguous.

7 **15-A. Zoning ordinance.** "Zoning ordinance" means a type of land use ordinance
 8 that divides a municipality into districts and that prescribes and reasonably applies different
 9 regulations in each district.

10 **Sec. 2. 30-A MRSA §4312, sub-§2, ¶I,** as enacted by PL 2001, c. 578, §8, is
 11 repealed.

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

13 J. Encourage cooperation between municipalities and state agencies, regional councils
 14 established under chapter 119, subchapter 1 and nonprofit organizations to develop
 15 comprehensive plans that assist municipalities in establishing local land use policies.

16 **Sec. 4. 30-A MRSA §4312, sub-§3,** as amended by PL 2021, c. 657, §§1 to 4, is
 17 further amended to read:

18 **3. State goals.** The Legislature hereby establishes a set of state goals to provide overall
 19 direction and consistency to the planning and regulatory actions of all state and municipal
 20 agencies affecting natural resource management, land use and development. The
 21 Legislature declares that, in order to promote and protect the health, safety and welfare of
 22 the citizens of the State, it is in the best interests of the State to achieve the following goals:

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

26 A-1. To encourage municipalities and multimunicipal regions to focus new
 27 development in growth areas to enable efficient use of public services and existing
 28 infrastructure investments while protecting the State's rural character, working lands,
 29 natural resources and natural resource-based industries and preventing development
 30 sprawl and sprawl-associated traffic congestion;

31 B. To plan for, finance and develop an efficient system of public facilities,
 32 transportation infrastructure and public services to accommodate anticipated growth
 33 and economic development, including planning new development, factoring in life-
 34 cycle costs and infrastructure maintenance and replacement;

35 C. To promote an economic climate which that increases job opportunities and overall
 36 economic well-being;

37 D. To promote and work to ensure choice, economic diversity and affordability in
 38 housing for low-income and moderate-income households and use housing policy to
 39 remove barriers to housing production and to help address disparities in access to
 40 educational, occupational and other opportunities;

41 D-1. To promote land use policies and land use ordinances that encourage the siting
 42 and construction of attainable housing and affordable housing in reasonable proximity

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- 1 to jobs and services and to reduce siting of new housing in locations that increase
- 2 household transportation costs and produce traffic congestion on regional roadways;
- 3 E. To protect, maintain and improve the quality and to manage the quantity of the
- 4 State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and
- 5 coastal areas;
- 6 F. To protect the State's other critical natural resources, including, without limitation,
- 7 wetlands, wildlife and fisheries habitat, agricultural soils, sand dunes, shorelands,
- 8 scenic vistas and unique natural areas;
- 9 G. To protect the State's marine resources industry, ports and harbors from
- 10 incompatible development and to promote access to the shore for commercial
- 11 fishermen persons who fish commercially and the public;
- 12 H. To safeguard the State's agricultural and forest resources from development ~~which~~
- 13 that threatens those resources, including protecting access to farmland and promoting
- 14 the viability of agriculture, in addition to safeguarding agricultural resources from
- 15 development;
- 16 I. To preserve the State's historic and archeological resources;
- 17 J. To promote and protect the availability of outdoor recreation opportunities for all
- 18 Maine citizens, including access to surface waters;
- 19 L. To encourage municipalities to develop policies that accommodate older ~~adults~~
- 20 residents with aging in place ~~and that encourage~~, including the creation of age-friendly
- 21 communities, appropriate housing and transportation access; and
- 22 N. To plan for the effects of the rise in sea level and flooding on buildings,
- 23 transportation infrastructure, sewage treatment facilities and other relevant state,
- 24 regional, municipal or privately held infrastructure, property or resources and to build
- 25 resilience to natural hazards.

26 **Sec. 5. 30-A MRSA §4314, sub-§1**, as amended by PL 2003, c. 641, §2, is further
 27 amended to read:

28 **1. Comprehensive plan; growth management program.** A municipal
 29 comprehensive plan adopted or amended by a municipality ~~under former Title 30, chapter~~
 30 ~~239, subchapter 5 or 6~~ remains in effect until amended or repealed in accordance with the
 31 ~~procedures~~, goals, requirements and guidelines established in this subchapter. A
 32 comprehensive plan or growth management program that is submitted to the department
 33 for certification prior to the final adoption of rules initiated after July 1, 2024 must be
 34 reviewed by the department based on provisions of this subchapter and associated rules in
 35 effect as of January 1, 2024.

36 **Sec. 6. 30-A MRSA §4314, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt. JJ,
 37 §16 and affected by §41, is further amended to read:

38 D. The municipality or multimunicipal region is under contract with the department to
 39 prepare a comprehensive plan ~~or implementation program~~, in which case the ordinance
 40 or portion of the ordinance remains valid for up to 4 years after receipt of the first
 41 installment of its first planning assistance grant or for up to 2 years after receipt of the
 42 first installment of its first implementation assistance grant, whichever is earlier;

1 **Sec. 7. 30-A MRSA §4314, sub-§3, ¶F**, as amended by PL 2011, c. 655, Pt. JJ,
2 §16 and affected by §41, is further amended to read:

3 F. The municipality or multimunicipal region applied for and was denied financial
4 assistance for its first planning assistance grant or implementation assistance grant
5 under this subchapter due to lack of state funds on or before January 1, 2003. If the
6 department subsequently offers the municipality or multimunicipal region its first
7 planning assistance or implementation assistance grant, the municipality or
8 multimunicipal region has up to one year to contract with the department to prepare a
9 comprehensive plan ~~or implementation program~~, in which case the municipality's or
10 multimunicipal region's ordinances will be subject to paragraph D; or

11 **Sec. 8. 30-A MRSA §4324, sub-§3**, as amended by PL 2001, c. 578, §13, is further
12 amended to read:

13 **3. Citizen participation.** In order to encourage citizen participation in the
14 development of a growth management program, municipalities or multimunicipal regions
15 may adopt growth management programs only after establishing a process for active citizen
16 participation, soliciting and considering and incorporating a broad range of citizen input
17 and engagement in formulating the comprehensive plan and inviting and considering public
18 review and comment. The intent of this subsection is to provide for the broad dissemination
19 of proposals and alternatives, opportunity for written comments, open discussions,
20 information dissemination and consideration of and response to public comments and to
21 ensure that public comment is a factor in the development of a comprehensive plan as
22 described in section 4326-A. The department shall provide guidance on best practices for
23 soliciting public input as part of the development of a comprehensive plan.

24 **Sec. 9. 30-A MRSA §4324, sub-§8, ¶B**, as amended by PL 2003, c. 641, §8, is
25 further amended to read:

26 B. A copy of the proposed comprehensive plan must be made available for public
27 inspection at each municipal office or other convenient location with regular public
28 hours at least 30 days before the hearing and made available on the municipality's
29 existing publicly accessible website. If modification of the plan is proposed pursuant
30 to comments made at a public hearing, and if a follow-up public hearing is to be held,
31 the proposed changes must be made available for public inspection at each municipal
32 office or other convenient location with regular public hours before any follow-up
33 hearing.

34 **Sec. 10. 30-A MRSA §4326**, as corrected by RR 2021, c. 2, Pt. A, §109, is repealed.

35 **Sec. 11. 30-A MRSA §4326-A** is enacted to read:

36 **§4326-A. Growth management program element; comprehensive plan**

37 A growth management program must include at least a comprehensive plan. A
38 comprehensive plan is required to include the components described in subsections 1 to 4.

39 **1. Inventory and mapping.** A comprehensive plan must include mapping of
40 environmental systems data and other information important to the municipality or
41 multimunicipal region, which must include, but is not limited to, all critical natural
42 resources and important natural resources; data layers provided by the Department of
43 Inland Fisheries and Wildlife's habitat conservation mapping program, including those

1 layers that are subject to state and federal rules and regulations intended to preserve natural
 2 resources and related economic activities and significant farmland, forest land or mineral
 3 resources; scenic areas; public water supplies; open lands functionally necessary to support
 4 a vibrant rural economy; areas of statewide ecological significance; agricultural soils; land
 5 in Maine tree growth and farmland protection tax programs; and working waterfronts. In
 6 addition to environmental systems, a comprehensive plan must include an inventory and
 7 mapping section that, using graphic illustration and narrative, identifies and maps within
 8 the municipality or multimunicipal region the following:

9 A. Conserved lands, identified using data and maps from the department that are
 10 provided to the department pursuant to section 4346, subsection 5 and by regional
 11 councils and other relevant local sources, as applicable;

12 B. Rural areas deserving of protection from unrestricted development and open lands,
 13 including areas deserving additional protections not currently provided by federal law,
 14 state law or regulation or local ordinance. Within areas identified and mapped as rural
 15 areas, the comprehensive plan must identify any existing or proposed placetypes,
 16 including, but not limited to, placetypes described in department rules or guidance such
 17 as rural centers, rural farmsteads and rural backlands;

18 C. Suburban areas. Within areas mapped as suburban areas, the comprehensive plan
 19 must identify any existing or proposed placetypes, which may include, but are not
 20 limited to, placetypes described in department rules or guidance such as advanced
 21 suburban areas or suburban roads; and

22 D. Areas not described in paragraphs A to C that are served by infrastructure to support
 23 daily life activities, including, but not limited to, placetypes described in department
 24 rules or guidance, including downtown centers, village centers, rural centers, adjacent
 25 neighborhoods and high-impact corridors. Within the areas identified and mapped
 26 pursuant to this paragraph, the comprehensive plan must identify placetypes or portions
 27 of placetypes designated as growth areas where investment by the municipality and the
 28 State may be necessary to implement the comprehensive plan. Identification of
 29 designated growth areas must be informed by and consistent with the analysis required
 30 by subsection 2 and the goals established under subsection 3.

31 Nothing in this subsection prohibits a municipality or a multimunicipal region from
 32 identifying, describing and mapping placetypes not defined in this subchapter or in rules
 33 adopted pursuant to this subchapter. A municipality or multimunicipal region may use
 34 different names for placetypes defined in this subchapter or in rules adopted pursuant to
 35 this subchapter in order to reflect local nomenclature or preferences.

36 2. Needs analysis. A comprehensive plan must include a needs analysis that identifies
 37 existing conditions or desired conditions within the municipality or multimunicipal region
 38 that are necessary to support housing, economic growth and development; protect public
 39 health, safety and welfare of the community; and protect the environment and critical
 40 resources.

41 For all areas identified under subsection 1, the comprehensive plan must identify, at a
 42 minimum, needs related to ensuring protection of critical natural resources, water quality
 43 and, as applicable, access to coastal waters for commercial activities and protection of
 44 agricultural and forest resources.

1 The comprehensive plan must include a narrative section describing the analysis conducted
 2 pursuant to this section and how it informed the identification of each need listed in the
 3 comprehensive plan. The narrative section must describe any public input received,
 4 including public input received in response to solicitation of public comment pursuant to
 5 section 4324, subsection 3, and how that input informed the identification of needs listed
 6 in the comprehensive plan.

7 **3. Goals.** The comprehensive plan must include a narrative section that outlines the
 8 goals the municipality or multimunicipal region has established to address each of the needs
 9 identified under subsection 2. The narrative must address how the goals established in the
 10 comprehensive plan:

- 11 A. Align or, if applicable, conflict with the state goals listed in section 4312;
- 12 B. Align or, if applicable, conflict with the goals of the region if an independent
 13 municipal plan was developed cooperatively with other municipalities; and
- 14 C. Address the needs identified pursuant to subsection 2.

15 **4. Implementation and strategy.** For areas identified in subsection 1, paragraph D
 16 that have been identified as growth areas, the comprehensive plan must include a section
 17 that describes how the goals established in subsection 3 will be implemented, including:

- 18 A. Identification of land use policies and land use ordinances to be adopted; where
 19 those policies and ordinances are applicable on the maps created pursuant to this
 20 section; and the timetable for implementation of the policies and ordinances;
- 21 B. For municipalities with zoning, establishment of development standards applicable
 22 to the stated goals; and
- 23 C. Plans for capital investment and, if feasible, identification of sources of capital.

24 **5. Regional coordination program.** A regional coordination program must be
 25 developed among municipalities or multimunicipal regions to manage shared resources and
 26 facilities, such as rivers, aquifers, transportation facilities and others. The purpose of this
 27 program is to provide for consistency with the comprehensive plans of other municipalities
 28 or multimunicipal regions for these resources and facilities. Any component of a
 29 comprehensive plan developed as a regional coordination program pursuant to this
 30 subsection may be adopted by a municipality or a multimunicipal region as a component
 31 of the municipality's or multimunicipal region's own comprehensive plan as long as it
 32 otherwise complies with the applicable requirements in this section.

33 **Sec. 12. 30-A MRSA §4328**, as enacted by PL 2001, c. 592, §2, is amended to read:

34 **§4328. Transfer of development rights**

35 In order to comply with the requirement in section 4326 ~~4326-A~~ for each municipality
 36 to adopt land use policies and land use ordinances to discourage incompatible development,
 37 a municipality may adopt a transfer of development rights program for the transfer of
 38 development rights within its boundaries. Two or more municipalities may adopt a
 39 program that provides for the transfer of development rights between the municipalities if
 40 the municipalities have entered into an interlocal agreement pursuant to chapter 115 for
 41 this purpose.

1 **Sec. 13. 30-A MRSA §4346, 2nd ¶**, as amended by PL 2021, c. 590, Pt. A, §10, is
2 further amended to read:

3 The department may enter into financial assistance grants only to the extent that funds
4 are available. In making grants, the department shall consider the need for planning in a
5 municipality or multimunicipal region, the proximity of the municipality or multimunicipal
6 region to other areas that are conducting or have completed the planning process and the
7 economic and geographic role of the municipality or multimunicipal region within a
8 regional context. The department shall give priority in making grants to any municipality
9 or multimunicipal region that has adopted a local climate action plan and, if the
10 municipality or multimunicipal region has adopted a comprehensive plan or growth
11 management program, prepared a climate vulnerability assessment ~~pursuant to section~~
12 ~~4326, subsection 1, paragraph L.~~ The department may consider other criteria in making
13 grants, as long as the criteria support the goal of encouraging and facilitating the adoption
14 and implementation of local and multimunicipal growth management programs consistent
15 with the ~~procedures~~, goals, requirements and guidelines established in this subchapter. In
16 order to maximize the availability of the technical and financial assistance program to all
17 municipalities, multimunicipal regions and regional councils, financial assistance programs
18 administered competitively under this article are exempt from rules adopted by the
19 Department of Administrative and Financial Services pursuant to Title 5, section 1825-C
20 for use in the purchase of services and the awarding of grants and contracts. The
21 department shall publish a program statement describing its grant program and advertising
22 its availability to eligible applicants.

23 **Sec. 14. 30-A MRSA §4346, sub-§5**, as amended by PL 2013, c. 300, §6, is further
24 amended to read:

25 **5. Coordination.** State agencies with regulatory or other authority affecting the goals
26 established in this subchapter shall conduct their respective activities in a manner consistent
27 with the goals established under this subchapter, including, but not limited to, coordinating
28 with municipalities, regional councils and other state agencies in meeting the state goals;
29 providing available information to ~~regions and municipalities as described in section 4326,~~
30 ~~subsection 1~~ the department, municipalities and multimunicipal regions; cooperating with
31 efforts to integrate and provide ~~access to the department with~~ geographic information and
32 environmental system data and maps necessary for the inventory and needs analysis
33 components of a comprehensive plan pursuant to section 4346-A; making state investments
34 and awarding grant money as described in section 4349-A; and conducting reviews of
35 growth management programs as provided in section 4347-A, subsection 3, paragraph A.
36 Without limiting the application of this section to other state agencies, the following
37 agencies shall comply with this subchapter:

- 38 B. Department of Economic and Community Development;
- 39 C. Department of Environmental Protection;
- 40 D. Department of Agriculture, Conservation and Forestry;
- 41 E. Department of Inland Fisheries and Wildlife;
- 42 F. Department of Marine Resources;
- 43 G. Department of Transportation;

- 1 G-1. Department of Health and Human Services;
- 2 H. Finance Authority of Maine; and
- 3 I. Maine State Housing Authority.

4 **Sec. 15. 30-A MRSA §4347-A**, as amended by PL 2011, c. 655, Pt. JJ, §21 and
 5 affected by §41, is further amended to read:

6 **§4347-A. Review of programs by department**

7 **1. Comprehensive plans.** A municipality or multimunicipal region that chooses to
 8 prepare a growth management program and receives a planning grant under this article
 9 shall submit its comprehensive plan to the department for review. A municipality or
 10 multimunicipal region that chooses to prepare a growth management program without
 11 receiving a planning grant under this article may submit its comprehensive plan to the
 12 department for review. The department shall review plans for consistency with the
 13 ~~procedures~~, goals, requirements and guidelines established in this subchapter. A contract
 14 for a planning assistance grant must include specific timetables governing the review of the
 15 comprehensive plan by the department. A comprehensive plan submitted for review more
 16 than 12 months following a contract end date may be required to contain data, projections
 17 and other time-sensitive portions of the plan or program that are in compliance with the
 18 department's most current review standards.

19 **2. Growth management programs.** A municipality or multimunicipal region may at
 20 any time request a certificate of consistency for its growth management program.

21 A. Upon a request for review under this section, the department shall review the
 22 program and determine whether the program is consistent with the ~~procedures~~, goals,
 23 requirements and guidelines established in this subchapter.

24 B. Certification by the former State Planning Office or the department of a
 25 municipality's or multimunicipal region's growth management program under this
 26 article is valid for 10 years. To maintain certification, a municipality or multimunicipal
 27 region shall periodically review its growth management program and submit to the
 28 department in a timely manner any revisions necessary to account for changes,
 29 including changes caused by growth and development. Certification does not lapse in
 30 any year in which the Legislature does not appropriate funds to the department for the
 31 purposes of reviewing programs for recertification.

32 C. Upon a request for review under this section, the department may review rate of
 33 growth, impact fee and zoning ordinances to determine whether the ordinances are
 34 consistent with a comprehensive plan that has been found consistent under this section
 35 without requiring submission of all elements of a growth management program. An
 36 affirmative finding of consistency by the department is required for a municipality or
 37 multimunicipal region to assert jurisdiction as provided in section 4349-A.

38 **3. Review of growth management program.** In reviewing a growth management
 39 program, the department shall:

40 A. Solicit written comments on any proposed growth management program from
 41 regional councils, state agencies, all municipalities contiguous to the municipality or
 42 multimunicipal region submitting a growth management program and any interested
 43 residents of the municipality or multimunicipal region or of contiguous municipalities.

- 1 The comment period extends for 45 days after the department receives the growth
- 2 management program.
- 3 (1) Each state agency reviewing the proposal shall designate a person or persons
- 4 responsible for coordinating the agency's review of the growth management
- 5 program.
- 6 (2) Any regional council commenting on a growth management program shall
- 7 determine whether the program is compatible with the programs of other
- 8 municipalities that may be affected by the program and with regional policies or
- 9 needs identified by the regional council;
- 10 B. Prepare all written comments from all sources in a form to be forwarded to the
- 11 municipality or multimunicipal region;
- 12 C. Within 90 days after receiving the growth management program, send all written
- 13 comments on the growth management program to the municipality or multimunicipal
- 14 region and any applicable regional council. If warranted, the department shall issue
- 15 findings specifically describing how the submitted growth management program is not
- 16 consistent with the ~~procedures~~, goals, requirements and guidelines established in this
- 17 subchapter and the recommended measures for remedying the deficiencies.
- 18 (1) In its findings, the department shall clearly indicate its position on any point
- 19 on which there are significant conflicts among the written comments submitted to
- 20 the department.
- 21 (2) If the department finds that the growth management program was adopted in
- 22 accordance with the ~~procedures~~, goals, requirements and guidelines established in
- 23 this subchapter, the department shall issue a certificate of consistency for the
- 24 growth management program.
- 25 (3) Notwithstanding paragraph D, if a municipality or multimunicipal region
- 26 requests a certificate of consistency for its growth management program, any
- 27 unmodified component of that program that has previously been reviewed by the
- 28 former State Planning Office or the department and has received a finding of
- 29 consistency will retain that finding during program certification review by the
- 30 department as long as the finding of consistency is current as defined in rules
- 31 adopted by the department;
- 32 D. Provide ample opportunity for the municipality or multimunicipal region
- 33 submitting a growth management program to respond to and correct any identified
- 34 deficiencies in the program. A finding of inconsistency for a growth management
- 35 program may be addressed within 24 months of the date of the finding without
- 36 addressing any new review standards that are created during that time interval. After
- 37 24 months, the program must be resubmitted in its entirety for state review under the
- 38 department's most current review standards; and
- 39 E. Provide an expedited review and certification procedure for those submissions that
- 40 represent minor amendments to certified growth management programs.
- 41 The department's decision on consistency of a growth management program constitutes
- 42 final agency action.

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3-A. Review of comprehensive plan. In reviewing a comprehensive plan, the department shall:

A. Solicit written comments on any proposed comprehensive plan from regional councils, state agencies, all municipalities contiguous to the municipality or multimunicipal region submitting a comprehensive plan and any interested residents of the municipality or multimunicipal region or of contiguous municipalities. The comment period extends for ~~25~~ 20 business days after the department receives the comprehensive plan. Each state agency reviewing the proposal shall designate a person or persons responsible for coordinating the agency's review of the comprehensive plan;

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

~~C. Within 35~~ 40 business days after receiving the comprehensive plan, ~~notify the municipality or multimunicipal region if the plan is complete for purposes of review. If the department notifies the municipality or multimunicipal region that the plan is not complete for purposes of review, the department shall indicate in its notice necessary additional data or information~~ make a determination whether a plan is consistent or inconsistent based on a review of the requirements of this subchapter;

~~D. Within 10 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in this subchapter and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.~~

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

~~(2) If the department finds that the comprehensive plan was developed in accordance with the procedures, goals and guidelines established in this subchapter, the department shall issue a finding of consistency for the comprehensive plan.~~

~~(3) A finding of inconsistency must identify the goals under this subchapter not adequately addressed, specific sections of the rules relating to comprehensive plan review adopted by the department not adequately addressed and recommendations for resolving the inconsistency;~~

D-1. If the department finds that a comprehensive plan was developed in accordance with the goals, requirements and guidelines established in this subchapter, issue a finding of consistency for the comprehensive plan. If the department finds that a comprehensive plan does not meet the requirements established in this subchapter, the department shall issue a finding of inconsistency and provide to the municipality or multimunicipal region recommendations for resolving the inconsistency;

E. Send all written findings and comments on the comprehensive plan to the municipality or multimunicipal region and any applicable regional council; and

F. Provide ample opportunity for the municipality or multimunicipal region submitting a comprehensive plan to respond to and ~~correct any identified deficiencies in the plan~~ revise the plan to be consistent with the goals, requirements and guidelines of this

1 subchapter. A finding of inconsistency for a comprehensive plan may be addressed
 2 within 24 months of the date of the finding without addressing any new review
 3 standards that are created during that time interval. After 24 months, the plan must be
 4 resubmitted in its entirety for state review under the department's most current review
 5 standards.

6 If the department finds that a plan is not consistent with the ~~procedures~~, goals, requirements
 7 and guidelines established in this subchapter, the municipality or multimunicipal ~~district~~
 8 region that submitted the plan may appeal that finding to the department within 20 business
 9 days of receipt of the finding in accordance with rules adopted by the department, which
 10 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

11 The department's decision on consistency of a comprehensive plan constitutes final agency
 12 action.

13 A finding by the department pursuant to paragraph ~~D~~ D-1 that a comprehensive plan is
 14 consistent with the ~~procedures~~, goals, requirements and guidelines established in this
 15 subchapter is valid for 12 years from the date of its issuance. A finding by the former State
 16 Planning Office issued pursuant to this subchapter prior to December 31, 2000 that a
 17 comprehensive plan is consistent with the procedures, goals and guidelines established in
 18 this subchapter is valid until December 31, 2012. For purposes of section 4314, subsection
 19 3 and section 4352, subsection 2, expiration of a finding of consistency pursuant to this
 20 subsection does not itself make a comprehensive plan inconsistent with the ~~procedures~~,
 21 goals, requirements and guidelines established in this subchapter.

22 **4. Updates and amendments.** A municipality or multimunicipal region may submit
 23 proposed amendments to a comprehensive plan or growth management program to the
 24 department for review in the same manner as provided for the review of new plans and
 25 programs. Subsequent to voluntary certification under this subsection, the municipality or
 26 multimunicipal region shall file a copy of an amendment to a growth management program
 27 with the department within 30 days after adopting the amendment and at least 60 days prior
 28 to applying for any state grant program that offers a preference for consistency or
 29 certification.

30 **5. Regional councils.** Subject to the availability of funding and pursuant to the
 31 conditions of a contract, each regional council shall review and submit written comments
 32 on the comprehensive plan or growth management program of any municipality or
 33 multimunicipal region within its planning region. The comments must be submitted to the
 34 department and contain an analysis of:

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

37 B. Whether the comprehensive plan or growth management program is compatible
 38 with plans or programs of municipalities or multimunicipal regions that may be
 39 affected by the proposal.

40 **Sec. 16. 30-A MRSA §4352, sub-§6**, as amended by PL 2003, c. 688, Pt. C, §20,
 41 is further amended to read:

42 **6. Effect on State.** A zoning ordinance that is not consistent with a comprehensive
 43 plan that is consistent with the provisions of section ~~4326~~ 4326-A is advisory with respect
 44 to the State. Except as provided in this section, a state agency shall comply with a zoning

1 ordinance consistent with a comprehensive plan that is consistent with the provisions of
 2 section ~~4326~~ 4326-A in seeking to develop any building, parking facility or other publicly
 3 owned structure. The Governor or the Governor's designee may, after public notice and
 4 opportunity for public comment, including written notice to the municipal officers, waive
 5 any use restrictions in those ordinances upon finding that:

- 6 A. The proposed use is not allowed anywhere in the municipality;
- 7 B. There are no reasonable alternative sites for or configurations of the project within
 8 the municipality that would achieve the necessary public purposes;
- 9 C. There are no reasonable alternatives to the project, including sites in other
 10 municipalities, that would achieve the necessary public purposes;
- 11 D. The project will result in public benefits beyond the limits of the municipality,
 12 including without limitation, access to public waters or publicly owned lands; and
- 13 E. The project is necessary to protect the public health, welfare or environment.

14 A decision to waive a restriction under this section may be appealed by the municipality or
 15 any aggrieved party to Superior Court.

16 **Sec. 17. 30-A MRSA §5953-D, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt.
 17 JJ, §27 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended by
 18 amending subparagraph (2), division (a) to read:

- 19 (a) Has adopted a comprehensive plan that is determined by the Executive
 20 Department, former State Planning Office or the Department of Agriculture,
 21 Conservation and Forestry to be consistent with section ~~4326~~, ~~subsections 1 to~~
 22 4 4326-A.

23 **Sec. 18. 30-A MRSA §5953-D, sub-§4-A**, as amended by PL 2003, c. 288, §3, is
 24 further amended to read:

25 **4-A. Criteria; conditions for downtown improvement grants or loans.** The
 26 Department of Economic and Community Development, in conjunction with the bank,
 27 shall develop criteria and conditions for the award of downtown improvement grants or
 28 loans to eligible municipalities after consultation with the state agencies listed in subsection
 29 5 and subject to the requirements of this section. The department shall establish a
 30 preference for municipalities that are regional service centers or urban compact
 31 municipalities or have adopted a comprehensive plan consistent with section ~~4326~~ 4326-A.

32 **Sec. 19. Department to adopt rules.** The Department of Agriculture,
 33 Conservation and Forestry, Bureau of Resource Information and Land Use Planning shall
 34 amend existing rules governing the growth management program to be consistent with the
 35 laws governing the program as amended by this Act. Notwithstanding the Maine Revised
 36 Statutes, Title 30-A, section 4312, subsection 4, rules adopted pursuant to this section are
 37 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The following
 38 placetype descriptions must be incorporated into the rules.

39 **1. Adjacent neighborhood.** "Adjacent neighborhood" means a primarily residential
 40 area located adjacent to a village center, downtown or high-impact corridor. Adjacent
 41 neighborhoods are predominantly developed for residential activities and are typically
 42 arranged along a network of interconnected streets.

1 **2. Adjacent rural lands.** "Adjacent rural lands" means large undeveloped land areas
 2 adjacent to rural backlands and to areas where there is development activity. Adjacent rural
 3 lands typically include land located behind lots along rural roads or adjacent to a rural
 4 center, village or other placetype. Adjacent rural lands can also be located adjacent to
 5 suburban areas. Because of proximity to land where development is present, adjacent rural
 6 lands are a high priority for local planning and policy work to verify goals for future land
 7 use.

8 **3. Advanced suburban area.** "Advanced suburban area" means an area where low-
 9 density development has spread from the road frontage deeper into lots and to adjacent
 10 rural land. Development within these areas is typically segregated by use and may include
 11 commercial strip malls, regional shopping centers, so-called big box retail development,
 12 office parks, residential subdivisions and other forms of single-use development.
 13 Advanced suburban areas result in disconnected development and fragmented open spaces
 14 disconnected from a larger network of habitat corridors, trails and other natural systems.

15 **4. Rural backlands.** "Rural backlands" means geographically isolated areas with no
 16 direct frontage onto public roads. Rural backlands often have very little or no development
 17 and may be intersected by trails and utility corridors. These areas may contain conserved
 18 lands, critical natural resources and important natural resources. Depending on local
 19 municipal land use policies, rural backlands may be targeted for conservation, as working
 20 lands, or for development that limits impacts on wildlife, water management, agricultural
 21 uses and active outdoor recreation activities.

22 **5. Rural center.** "Rural center" means an area with a grouping of 2 or more buildings
 23 that have formed a center of community within a rural area. It may include historic or
 24 architecturally important or significant buildings. A rural center can vary in size but is
 25 geographically smaller in size than a village placetype.

26 **6. Rural farmstead.** "Rural farmstead" means a parcel of land that serves or has the
 27 potential to serve as a mixed-use, resource-based economic center of activity in a rural area.
 28 A rural farmstead may consist of adjacent buildings on a single parcel that support the
 29 commercial, residential and economic needs of a rural agricultural or forestry business. A
 30 rural farmstead allows for mixed-use development in rural areas to provide economic
 31 options to rural landowners while also safeguarding the agricultural and forest sectors from
 32 fragmented low-density development.

33 **7. Rural road.** "Rural road" means a road that has the characteristics of a rural area,
 34 with homes and businesses occurring at infrequent intervals on lots that often exceed 5
 35 acres in size, and are frequently much larger, with driveways that typically occur an average
 36 of every 500 feet or more. Rural roads have no geographic center, except where punctuated
 37 by rural centers.

38 **8. Suburban road.** "Suburban road" means an area along the frontage of a road where
 39 incremental development slowly transitions a rural road to a suburban one. Suburban roads
 40 have more frequent curb cuts than a rural road, typically occurring an average of every 500
 41 feet or less. Buildings are typically located on lots of one to 3 acres, created through lot
 42 splits and subdivisions of larger parcels. Development typically includes a range of uses,
 43 including residential, commercial, industrial and office uses, each separated from the other.
 44 Buildings are typically located within view of the road and each other, changing the
 45 perception of the area from rural to suburban.

1 **9. Village.** "Village" means an area with a loose grouping of buildings
2 accommodating a variety of uses and serving as a center for commerce, living, education
3 and social interaction within a community. Villages typically include a loose network of
4 streets, with a main street running through the center. The placement of buildings on lots,
5 the distance between buildings and the pattern of streets and blocks are looser and more
6 irregular than a downtown placetype.

7 **Sec. 20. Department to convene stakeholder group.** Prior to initiating
8 rulemaking as required by this Act, the Director of the Bureau of Resource Information and
9 Land Use Planning within the Department of Agriculture, Conservation and Forestry shall
10 convene a stakeholder group for the purpose of soliciting input on the development of rules
11 necessary to implement the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2,
12 as amended by this Act. The stakeholder group may not exceed 10 members, excluding
13 the director. Members of the stakeholder group must represent the following agencies or
14 groups:

- 15 1. The Department of Economic and Community Development;
- 16 2. The Office of Policy Innovation and the Future;
- 17 3. A statewide organization representing the interests of municipalities;
- 18 4. A regional council established under Title 30-A, chapter 119, subchapter 1;
- 19 5. An organization that advocates for the protection of natural resources;
- 20 6. An organization or group that advocates for the development of affordable housing;
- 21 and
- 22 7. Representatives from at least 3 municipalities of varying populations and, if feasible,
23 with varying forms of local government.

24 **Sec. 21. Department to develop guidance for public participation.** The
25 Department of Agriculture, Conservation and Forestry, Bureau of Resource Information
26 and Land Use Planning shall develop guidance materials describing strategies for
27 soliciting, encouraging and incorporating public input into the development of a
28 comprehensive plan and as required by the Maine Revised Statutes, Title 30-A, section
29 4324, subsection 3. At a minimum, the guidance materials must include:

- 30 1. Strategies to solicit input from all demographic groups of residents, including
31 historically underrepresented persons, through a series of public events and activities,
32 including hands-on workshops, work sessions or focused roundtable meetings;
- 33 2. Effective methods to advertise events and activities through a combination of print
34 and digital platforms in advance of the events and activities;
- 35 3. Multiple methods to provide opportunities for the public to contribute ideas, discuss
36 key issues facing the community, set priorities and develop policies and strategies to
37 address local challenges, including, but not limited to, seeking input through digital and
38 paper surveys, questionnaires, visual preference surveys and other means;
- 39 4. Methodologies to analyze the public input and use the input to prepare a draft of the
40 comprehensive plan and meet the requirements for a comprehensive plan under Title 30-A,
41 section 4326-A; and

1 5. Ways to make a draft comprehensive plan easily accessible to the public to solicit
 2 feedback from the public on the draft comprehensive plan.

3 **Sec. 22. Savings clause.** This Act does not apply to a comprehensive plan or growth
 4 management program under the Maine Revised Statutes, Title 30-A, section 4314,
 5 subsection 1 that was submitted to the Department of Agriculture, Conservation and
 6 Forestry for certification before the final adoption of rules necessary to implement Title
 7 30-A, chapter 187, subchapter 2 as authorized by Title 38, section 4312 and affected by
 8 section 19 of this Act.

9 **Sec. 23. Appropriations and allocations.** The following appropriations and
 10 allocations are made.

11 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 12 **DACF Administration 0401**

13 Initiative: Provides funding for the technology management costs associated with one
 14 Policy Development Specialist position.

15	GENERAL FUND	2023-24	2024-25
16	All Other	\$0	\$3,292
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$3,292</u>

20	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
21	All Other	\$0	\$647
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$647</u>

24 **Geology and Resource Information Z237**

25 Initiative: Provides one-time funding for contracted facilitation services.

26	GENERAL FUND	2023-24	2024-25
27	All Other	\$0	\$31,500
28			
29	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$31,500</u>

30 **Geology and Resource Information Z237**

31 Initiative: Provides funding for one limited-period Policy Development Specialist position
 32 and associated All Other costs.

33	GENERAL FUND	2023-24	2024-25
34	Personal Services	\$0	\$126,878
35	All Other	\$0	\$3,500
36			
37	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$130,378</u>

38
 39 **AGRICULTURE, CONSERVATION AND**
 40 **FORESTRY, DEPARTMENT OF**
 41 **DEPARTMENT TOTALS**

2023-24	2024-25
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GENERAL FUND	\$0	\$165,170
OTHER SPECIAL REVENUE FUNDS	\$0	\$647
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$165,817

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment replaces the bill. The amendment makes several changes to the laws governing the growth management program, which establishes a process for comprehensive planning as well as a process to have a municipality's growth management program certified by the Department of Agriculture, Conservation and Forestry, Bureau of Information Resources and Land Use Planning. Municipalities with a certified growth management program receive preferred status with regard to state capital investments. The amendment adds the following goals to the existing state goals of the program:

1. Encouraging municipalities to focus new development in growth areas to enable efficient use of existing infrastructure and public services;
2. Adding transportation infrastructure and public services to the goal of planning for anticipated growth;
3. Promoting land use policies that encourage the siting and construction of attainable and affordable housing in reasonable proximity to jobs and services and to develop policies that remove barriers to housing production;
4. Promoting the viability of agriculture, protecting access to farmland and safeguarding agricultural resources from development;
5. Ensuring that policies that accommodate older residents to age in place include consideration of appropriate housing and transportation access; and
6. When planning to address the effects of sea-level rise and flooding, adding a focus on building resilience to natural hazards.

The amendment replaces the components of a comprehensive plan in current law and provides that a comprehensive plan must include the following components: inventory and mapping, needs analysis, the establishment of goals, implementation and strategy and a regional coordination program, many of which require graphic illustrations as well as narrative elements.

The inventory and mapping component of the plan requires an inventory and mapping of environmental systems and critical natural resources to be supported by the use of mapping conducted by state agencies, including habitat conservation mapping done by the Department of Inland Fisheries and Wildlife among other sources. The mapping component of the comprehensive plan also requires mapping of conserved areas, rural areas, suburban areas and centers served by infrastructure and services that support daily life activities such as downtowns, villages, rural centers and high-impact corridors. The amendment requires that the comprehensive plan identify growth areas in these centers

COMMITTEE AMENDMENT "A" to H.P. 1267, L.D. 1976

1 where investment, including state investment, may be necessary to implement the
 2 municipality's comprehensive plan.

45 The needs analysis component of the plan identifies conditions that exist or should
 46 exist in the municipality because they are necessary to support housing, economic growth
 47 and development, public health and safety and protection of the environment. A needs
 48 analysis must demonstrate that the plan was developed with rigorous public input. The
 49 amendment also directs the department to provide guidance on best practices to engage the
 50 community in developing the comprehensive plan.

51 The amendment requires that the plan identify goals to meet the needs identified by the
 52 plan as well as an implementation and strategy section that describes, in narrative and
 53 graphic format, how the goals will be implemented in the designated growth areas
 54 identified in the plan.

55 The amendment requires the inclusion of a regional coordination program component
 56 of the comprehensive plan for the purpose of planning to manage shared resources and
 57 facilities with other municipalities.

58 The amendment makes changes with regard to processes used by the Department of
 59 Agriculture, Conservation and Forestry to determine if a growth management program or
 60 comprehensive plan is consistent with the goals, requirements and guidelines governing
 61 the growth management program.

62 The amendment further provides that rules adopted based on the changes made to the
 63 growth management program are major substantive rules. The amendment adds specific
 64 requirements for what must be included in the rules adopted by the Department of
 65 Agriculture, Conservation and Forestry and directs the department to convene a stakeholder
 66 group prior to initiating a rule-making process.

FISCAL NOTE REQUIRED

(See attached)

25
 26



131st MAINE LEGISLATURE

LD 1976

LR 1377(02)

An Act to Update the Growth Management Program Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-960)
 Committee: Housing
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$165,170	\$140,014	\$0
Appropriations/Allocations				
General Fund	\$0	\$165,170	\$140,014	\$0
Other Special Revenue Funds	\$0	\$647	\$647	\$0

Fiscal Detail and Notes

The Department of Agriculture, Conservation and Forestry (DACF) has indicated that the changes to the rules regarding growth management programs, comprehensive plan requirements and the department's review criteria of those plans will require additional limited-period staff to assist with the policy analysis needed for rulemaking to incorporate the new statutory requirements. This bill includes General Fund appropriations of \$133,670 starting in fiscal year 2024-25 to DACF for one limited-period Policy Development Specialist position and associated position costs and allocations of \$647 for the technology management costs related to the position. The bill also includes a one-time General Fund appropriation of \$31,500 in fiscal year 2024-25 for contracted facilitation services related to the public input portions of the required stakeholder group in developing new agency rules associated with implementing this bill.