

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1976

H.P. 1267

House of Representatives, May 18, 2023

An Act to Update the Growth Management Program Laws

Reference to the Joint Select Committee on Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SACHS of Freeport.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: FAY of Raymond, GATTINE of Westbrook, GERE of Kennebunkport,
GOLEK of Harpswell, MATLACK of St. George, RANA of Bangor, Senator: PIERCE of
Cumberland.

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

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

4 **§4301. Definitions**

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

7 **1. Affordable housing.** "Affordable housing" means a decent, safe and sanitary
8 dwelling, apartment or other living accommodation ~~for a household whose income does~~
9 ~~not exceed 80% of the median income for the area as defined by the United States~~
10 ~~Department of Housing and Urban Development under the United States Housing Act of~~
11 ~~1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended for which the cost of~~
12 occupancy is no more than 30% of the occupant's household income.

13 ~~**1-A. Cluster development.** "Cluster development" means a form of development that~~
14 ~~allows a subdivision design in which individual lot sizes and setbacks are reduced in~~
15 ~~exchange for the creation of common open space and recreation areas, the preservation of~~
16 ~~environmentally sensitive areas, agriculture and silviculture and the reduction in the size~~
17 ~~of road and utility systems.~~

18 **1-B. Age-friendly community.** "Age-friendly community" means a community
19 where policies, services, settings and structures support and enable older people to actively
20 age in place and that recognizes the capabilities, resources and needs of older adults, plans
21 to meet the needs of older adults in flexible ways that support healthy and active aging,
22 promotes the inclusion and contributions of older adults in all areas of community life,
23 respects the self-determination and independence of older adults and protects those older
24 adults who are most vulnerable.

25 **1-C. Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained
26 dwelling unit located within, attached to or detached from a single-family dwelling unit
27 located on the same parcel of land.

28 **1-D. Adjacent neighborhood.** "Adjacent neighborhood" means a primarily
29 residential area located within walking distance to a village center, downtown or high-
30 impact corridor initially planned, built and used for predominantly residential activities and
31 typically includes buildings of historical or architectural significance. Housing may consist
32 of a mix of single-family dwellings, duplexes, townhouses, small apartment buildings and
33 accessory dwelling units. Businesses, churches, schools and other civic buildings may be
34 located in an adjacent neighborhood. Buildings may be located together or attached. An
35 adjacent neighborhood may include a network of streets that form blocks.

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

39 **3. Comprehensive plan.** "Comprehensive plan" means a document or interrelated
40 documents containing the elements established under section 4326, ~~subsections 1 to 4,~~
41 including the strategies for an implementation program ~~which~~ that are consistent with the
42 goals and guidelines established under subchapter ~~H~~ 2.

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

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

12 **4-B. Critical waterfront area.** "Critical waterfront area" means a shorefront area
13 characterized by functionally water-dependent uses, as defined in Title 38, section 436-A,
14 subsection 6, and specifically identified and designated by a municipality's or
15 multimunicipal region's comprehensive plan as deserving maximum protection from
16 incompatible development.

17 **4-C. Conserved lands.** "Conserved lands" means lands specifically identified and
18 designated by a municipality's or region's comprehensive plan as having secured protection
19 from development through conservation easements, deed restrictions or ownership in fee
20 by the municipality, the State, the Federal Government or a land conservation organization
21 to preserve natural resources and related economic activities.

22 **4-D. Critical natural resources.** "Critical natural resources" means the following
23 natural resources:

24 A. A resource protection zone established under Title 38, section 438-A, subsection 1;

25 B. Wetlands of special significance identified by the Department of Environmental
26 Protection under Title 38, chapter 3, subchapter 1, article 4-A;

27 C. Significant wildlife habitat as defined in Title 38, section 480-B, subsection 10;

28 D. Habitats of threatened and endangered species and species of special concern as
29 designated and mapped under Title 12, chapter 925;

30 E. Significant freshwater fisheries spawning habitat as identified and mapped by the
31 Department of Inland Fisheries and Wildlife or the Department of Marine Resources;

32 F. Natural communities that are critically imperiled, imperiled or rare as defined and
33 mapped in the Natural Areas Program;

34 G. Areas containing threatened or endangered plant species in the Natural Areas
35 Program under Title 12, section 544;

36 H. Coastal sand dune systems as defined by Title 38, section 480-B, subsection 1;

37 I. Fragile mountain areas as defined by Title 38, section 480-B, subsection 3; or

38 J. National natural landmarks designated by the National Park Service under 36 Code
39 of Federal Regulations, Section 62.

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

1 **5-A. Downtown.** "Downtown" means: the central business district of a community
2 that serves as the center for socioeconomic interaction in the community and is
3 characterized by a cohesive core of commercial and mixed-use buildings, often
4 interspersed with civic, religious and residential buildings and public spaces, typically
5 arranged along a main street and intersecting side streets, walkable and served by public
6 infrastructure. Downtown areas may have a dense grouping of contiguous mixed-use
7 parcels that may include multistory buildings. Downtown areas were planned, built and
8 used for a mix of uses, and include buildings of historical or architectural significance.
9 Buildings typically may be close together, may be attached and are often adjacent to the
10 sidewalk with a zero-foot front setback. Downtown areas include a network of streets that
11 form blocks. Sidewalks may usually be present along streets with commercial activity.

12 ~~A. The central business district of a community that serves as the center for~~
13 ~~socioeconomic interaction in the community and is characterized by a cohesive core of~~
14 ~~commercial and mixed-use buildings, often interspersed with civic, religious and~~
15 ~~residential buildings and public spaces, typically arranged along a main street and~~
16 ~~intersecting side streets, walkable and served by public infrastructure; or~~

17 ~~B. An area identified as a downtown in a comprehensive plan adopted pursuant to~~
18 ~~chapter 187, subchapter H.~~

19 **5-B. Growth-related capital investment.** "Growth-related capital investment"
20 means investment by the State in only the following projects, even if privately owned,
21 whether using state, federal or other public funds and whether in the form of a purchase,
22 lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

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

24 B. ~~Development~~ Redevelopment of high-impact corridors as mixed-use areas for
25 residential, light industrial or business parks;

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

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

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

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

38 **5-C. Department.** "Department" means the Department of Agriculture, Conservation
39 and Forestry.

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

1 **6-A. Impact fee.** "Impact fee" means a charge or assessment imposed by a
2 municipality against a new development to fund or recoup a portion of the cost of new,
3 expanded or replacement infrastructure facilities necessitated by and attributable at least in
4 part to the new development.

5 **6-B. Impact fee ordinance.** "Impact fee ordinance" means an ordinance that
6 establishes the applicability, formula and means by which impact fees are assessed.

7 **6-C. Growth area.** "Growth area" means an area that is designated in a municipality's
8 or ~~multimunicipal~~ region's comprehensive plan as suitable and desired for ~~orderly~~
9 residential, commercial or industrial development, or any combinations of those types of
10 development, and into which most development ~~projected over 10 years~~ is directed.

11 "Growth area" includes the following placetypes that are common and recognizable
12 settlement patterns and that are demonstrated to produce a positive municipal return on
13 investment: downtowns, village centers, rural crossroads, high-impact corridors, adjacent
14 neighborhoods, rural farmsteads and working waterfronts.

15 "Growth area" also includes locally identified special districts that have a pattern of
16 development based on an established and recognized historic pattern and that are supported
17 by local land use regulations.

18 **6-D. High-impact corridor.** "High-impact corridor" means a primarily linear
19 collection of contiguous parcels of land along a regional road that connects a downtown or
20 village to outlying areas. A high-impact corridor may be only one parcel deep and must
21 directly abut a residential area. A high-impact corridor is planned, built and used for
22 predominantly commercial activities.

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

30 **7-A. Important natural resources.** "Important natural resources" means those areas
31 in the community important for strategic conservation planning purposes, and not classified
32 as critical natural resources, including:

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

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

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

39 D. Exemplary natural community locations as defined under the Natural Areas
40 Program under Title 12, section 544.

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

1 **8-A. Local climate action plan.** "Local climate action plan" means a planning and
2 decision-making document adopted by a municipality or ~~multimunicipal~~ region that:

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

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

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

12 **9. Growth management program.** "Growth management program" means a
13 document containing the components described in section 4326, including the
14 implementation program, that is consistent with the goals and guidelines established by
15 subchapter H 2 and that regulates land use beyond that required by Title 38, chapter 3,
16 subchapter I 1, article 2-B.

17 **10. Planning committee.** "Planning committee" means the committee established by
18 the municipal officers of a municipality or combination of municipalities that has the
19 general responsibility established under sections 4324 and 4326.

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

25 ~~**11-A. Multimunicipal region.** "Multimunicipal region" means a region made up of
26 2 or more municipalities that work together to cooperatively establish a growth
27 management program or independent growth management programs that are unified with
28 respect to the implementation of the state goal identified in section 4312, subsection 3,
29 paragraph A. The several municipalities in a multimunicipal region may establish the
30 region pursuant to section 4325 or chapter 115.~~

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

33 **12-A. Neighborhood standards.** "Neighborhood standards" means local land use
34 ordinances that support a pattern of development that is walkable, mixed-income and
35 mixed-use, including the form of new buildings and the location and characteristics of new
36 civic spaces, so ordinances align with community goals for development and are uniquely
37 calibrated for each locally identified neighborhood. "Neighborhood standards" includes
38 standards related to street designs that promote slow vehicular speeds; street networks that
39 prioritize streets that interconnect, including across parcel lines; on-street and off-street
40 pedestrian and bicycle connections; design and proximity requirements for publicly
41 accessible civic spaces; clearly defined building types and building form that include a mix
42 of building types and a mix of price points; orientation of buildings toward the street and
43 civic spaces, including setbacks and build-to lines that bring buildings close to the front of
44 the lot and standards for window and door openings that face onto streets and civic spaces;

1 location of parking behind buildings; narrow lot widths that promote walkability and create
2 stronger financial returns for municipalities; light imprint storm water standards;
3 characteristics that help identify the center and edges of the neighborhood; and other
4 standards that are critical to how new development supports local goals for each placetype
5 related to quality of life, fiscal health, affordability, sustainability and access to civic and
6 open spaces.

7 **13-A. Rate of growth ordinance.** "Rate of growth ordinance" means a land use
8 ordinance or other rule that limits the number of building or development permits issued
9 by a municipality or other jurisdiction over a designated time frame.

10 **13-B. Placetype.** "Placetype" means a definable geographic area that includes
11 buildings, streets and other elements that are familiar and identifiable based on a number
12 of characteristics related to the size of the developed area, the arrangement of buildings,
13 the pattern and arrangement of streets, the types of activities that occur within buildings,
14 the type of infrastructure and the presence of civic spaces and civic buildings.

15 **13-C. Region.** "Region" means 2 or more municipalities that work together to
16 cooperatively establish a growth management program or independent growth management
17 programs that are unified with respect to the implementation of the state goal identified in
18 section 4312, subsection 3, paragraph A. "Region" includes a cooperative growth
19 management effort conducted by 2 or more municipalities under section 4325 or chapter
20 115.

21 **14. Regional council.** "Regional council" means a regional planning commission or
22 a council of governments established under chapter 119, subchapter 1.

23 **14-A. Service center community.** "Service center community" means a municipality
24 or group of municipalities identified by the department according to a methodology
25 established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-
26 workers ratio, the amount of federally assisted housing and the volume of service sector
27 jobs. Rules adopted pursuant to this subsection are routine technical rules as defined in
28 Title 5, chapter 375, subchapter 2-A.

29 **14-B. Rural area.** "Rural area" means a geographic area that is identified and
30 designated in a municipality's or ~~multimunicipal~~ region's comprehensive plan as an area
31 that is deserving of some level of regulatory protection from unrestricted development for
32 purposes that may include, but are not limited to, supporting agriculture, forestry, mining,
33 open space, erosion mitigation, water retention, wildlife habitat, fisheries habitat and scenic
34 lands, and away from which most development projected over 10 years is diverted.

35 ~~**14-C. Transitional area.** "Transitional area" means an area that is designated in a~~
36 ~~municipality's or multimunicipal region's comprehensive plan as suitable for a share of~~
37 ~~projected residential, commercial or industrial development but that is neither intended to~~
38 ~~accept the amount or density of development appropriate for a growth area nor intended to~~
39 ~~provide the level of protection for rural resources afforded in a rural area or critical rural~~
40 ~~area.~~

41 **14-D. Rural crossroads.** "Rural crossroads" means an area with a contiguous
42 grouping of 2 or more buildings of historical or architectural significance that have formed
43 a center of community. A rural crossroads may contain a mix of commercial, residential
44 and civic activities. Buildings are predominantly detached but tend to be located close

1 together and near to the street, providing a place where people can easily walk between
2 buildings.

3 **14-E. Rural farmstead.** "Rural farmstead" means a parcel of land that serves, or has
4 the potential to serve, as a resource-based economic center of activity in a rural area. A
5 rural farmstead may consist of adjacent buildings on a single parcel that support the
6 commercial, residential and economic needs of a rural agricultural or forestry business. A
7 rural farmstead allows for mixed-use development in rural areas to provide economic
8 options to rural landowners while also safeguarding the agricultural and forest sectors from
9 fragmented low-density development.

10 **14-F. Village center.** "Village center" means an area with a loose grouping of
11 predominantly contiguous mixed-use parcels that contains a mix of multistory buildings.
12 These areas were initially planned, built and used for a mix of uses and may include
13 buildings of historical or architectural significance. A village center primarily consists of
14 buildings that contain commercial, residential and civic activities.

15 **14-G. Workforce housing.** "Workforce housing" means a decent, safe and sanitary
16 dwelling, apartment or other living accommodation intended for use by a worker employed
17 in the surrounding area for which the cost of occupancy is no more than 30% of an occupant
18 worker's household income.

19 **14-H. Working waterfront.** "Working waterfront" means an area of land that serves,
20 or has the potential to serve, as a resource-based economic center of activity for commercial
21 industries dependent on access to deep water and tidal areas, whether adjacent to a
22 downtown or located within a rural area. A working waterfront may be only one parcel
23 deep and directly abut the water. A working waterfront may include residential uses that
24 support local industry.

25 **15-A. Zoning ordinance.** "Zoning ordinance" means a type of land use ordinance
26 that divides a municipality into districts and that prescribes and reasonably applies different
27 regulations in each district.

28 **Sec. 2. 30-A MRSA §4312,** as amended by PL 2021, c. 657, §§1 to 4, is further
29 amended to read:

30 **§4312. Statement of findings, purpose and goals**

- 31 **2. Legislative purpose.** The Legislature declares that it is the purpose of this Act to:
- 32 A. Establish, in each municipality of the State, local comprehensive planning and land
33 use management;
- 34 B. Encourage municipalities to identify the tools and resources to effectively plan for
35 and manage future development within their jurisdictions with a maximum of local
36 initiative and flexibility;
- 37 C. Encourage local land use ordinances, tools and policies based on local
38 comprehensive plans;
- 39 D. Incorporate regional considerations into local planning and decision making so as
40 to ensure consideration of regional needs and the regional impact of development;

1 F. Provide for continued direct state regulation of development proposals that occur in
2 areas of statewide concern, that directly impact natural resources of statewide
3 significance or that by their scale or nature otherwise affect vital state interests;

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 ~~I. Encourage the development and implementation of multimunicipal growth~~
8 ~~management programs.~~

9 J. Encourage cooperation between state agencies and regional planning organizations
10 or councils of government to develop growth management programs, which may
11 address residential and commercial development as well as transit, habitat protection,
12 water quality and related features.

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

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

21 A-1. To direct new development to growth areas to make efficient use of public
22 services and existing infrastructure investments and to protect the State's rural
23 character, natural resources and natural resource-based industries, while preventing
24 development sprawl and resulting traffic;

25 B. To plan for, finance and develop an efficient system of public facilities, public
26 transportation and public services to accommodate anticipated growth and economic
27 development, including planning for the cost of needed development patterns, and to
28 ensure that proposed new development demonstrates sufficient revenue reserve to
29 cover the cost of ongoing infrastructure maintenance and replacement costs;

30 C. To promote an economic climate ~~which~~ that increases job opportunities and overall
31 economic well-being;

32 D. To promote and work to ensure choice, economic diversity and affordability in
33 housing for low-income and moderate-income households and use housing policy to
34 help address disparities in access to educational, occupational and other opportunities;

35 D-1. To ensure that the municipality's land use policies and ordinances encourage the
36 siting and construction of workforce housing and affordable housing near jobs and
37 services;

38 E. To protect the quality and manage the quantity of the State's water resources,
39 including lakes, aquifers, great ponds, estuaries, rivers and coastal areas, including by
40 protecting, maintaining and improving the water quality of each water body pursuant
41 to Title 38, chapter 3, subchapter 1, article 4-A and protecting water quality from
42 increases in phosphorus from development in great pond watersheds and increases in
43 nitrogen in coastal waters;

- 1 F. To protect the State's other critical natural resources, including without limitation,
2 wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and
3 unique natural areas;
- 4 G. To protect the State's marine resources industry, ports and harbors from
5 incompatible development and to promote access to the shore for commercial
6 fishermen and the public;
- 7 H. To safeguard the State's agricultural and forest resources from development which
8 threatens those resources;
- 9 I. To preserve the State's historic and archeological resources;
- 10 J. To promote and protect the availability of outdoor recreation opportunities for all
11 Maine citizens, including access to surface waters;
- 12 L. To encourage municipalities to develop policies that accommodate older adults
13 residents with aging in place and that encourage, including the creation of age-friendly
14 communities, appropriate housing for older residents, improvement in transportation
15 access and expanded elder services; and
- 16 N. To plan for the effects of the rise in sea level on buildings, transportation
17 infrastructure, sewage treatment facilities and other relevant state, regional, municipal
18 or privately held infrastructure, property or resources.

19 **3-A. Growth areas.** As part of a comprehensive planning process, a community may
20 identify locations for establishing new growth areas, excluding high-impact corridors.
21 Growth areas are identified locally as areas for either limited growth or intended growth.
22 Both limited and intended growth areas may be considered as high value to the municipality
23 in a financial, economic or social context and are intended for ongoing investment in
24 infrastructure, buildings, housing, businesses and civic spaces and buildings. Limited
25 growth areas may be the focus of ongoing investment, but not the subject of new
26 transformative development.

27 New growth areas must have adopted local neighborhood standards that enable a
28 development pattern that is consistent with the intent and definition of the placetype of the
29 growth area.

30 **4. Limitation on state rule-making authority.** The department is authorized to adopt
31 only rules necessary to carry out the ~~purposes of~~ duties of the department under this
32 subchapter. Rules adopted pursuant to this section are routine technical rules as defined in
33 Title 5, chapter 375, subchapter 2-A. This section may not be construed to grant any
34 separate regulatory authority to any state agency beyond that necessary to implement this
35 subchapter.

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

38 **3. Rate of growth, zoning and impact fee ordinances.** ~~After January 1, 2003, any~~
39 ~~portion of a~~ A municipality's or ~~multimunicipal~~ region's rate of growth, zoning or impact
40 fee ordinance must be consistent with a comprehensive plan adopted in accordance with
41 the procedures, goals and guidelines established in this subchapter. The department shall
42 review a proposed development project that is located within a municipality in which a
43 portion of a rate of growth, zoning or impact fee ordinance relates to an inconsistency

1 identified by a court or during a comprehensive plan review by the department in
2 accordance with section 4347-A, subsection 3-A. The portion of a rate of growth, zoning
3 or impact fee ordinance not directly related to an inconsistency identified by a court or
4 during a comprehensive plan review by the department in accordance with section 4347-A,
5 subsection 3-A remains in effect. For purposes of this subsection, "zoning ordinance" does
6 not include an ordinance that applies townwide that is a ~~cluster development ordinance~~ or
7 a design ordinance prescribing the color, shape, height, landscaping, amount of open space
8 or other comparable physical characteristics of development. The portion of a rate of
9 growth, zoning or impact fee ordinance that is not consistent with a comprehensive plan is
10 no longer in effect unless:

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

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

17 E. The ordinance or portion of the ordinance conflicts with a newly adopted
18 comprehensive plan or plan amendment adopted in accordance with the procedures,
19 goals and guidelines established in this subchapter, in which case the ordinance or
20 portion of the ordinance remains in effect for a period of up to 24 months immediately
21 following adoption of the comprehensive plan or plan amendment;

22 F. The municipality or ~~multimunicipal~~ region applied for and was denied financial
23 assistance for its first planning assistance or implementation assistance grant under this
24 subchapter due to lack of state funds on or before January 1, 2003. If the department
25 subsequently offers the municipality or ~~multimunicipal~~ region its first planning
26 assistance or implementation assistance grant, the municipality or ~~multimunicipal~~
27 region has up to one year to contract with the department to prepare a comprehensive
28 plan or implementation program, in which case the municipality's or ~~multimunicipal~~
29 region's ordinances will be subject to paragraph D; or

30 G. The ordinance or portion of an ordinance is an adult entertainment establishment
31 ordinance, as defined in section 4352, subsection 2, that has been adopted by a
32 municipality that has not adopted a comprehensive plan.

33 **Sec. 4. 30-A MRSA §4324**, as amended by PL 2003, c. 641, §§7 and 8, is further
34 amended to read:

35 **§4324. Responsibility for growth management**

36 This section governs a municipality's or ~~multimunicipal~~ region's responsibility for the
37 preparation or amendment of its growth management program. When procedures for the
38 adoption of comprehensive plans and ordinances are governed by other provisions of this
39 Title or municipal charter or ordinance, the municipality or ~~multimunicipal~~ region may
40 modify the procedural requirements of this section as long as a broad range of opportunity
41 for public comment and review is preserved.

42 **1. Growth management program.** Each municipality or ~~multimunicipal~~ region may
43 prepare a growth management program in accordance with this section or may amend its

1 existing comprehensive plan and existing land use ordinances to comply with the
2 procedures, goals and guidelines established in this subchapter.

3 **2. Planning committee.** If a municipality or ~~multimunicipal~~ region chooses to prepare
4 a growth management program, the municipal officers of a municipality or combination of
5 municipalities shall designate and establish a planning committee, which may include one
6 or more municipal officials.

7 A. The municipal officers may designate any existing planning board or district
8 established under subchapter 4, or a former similar provision, as the planning
9 committee. Planning boards established under former Title 30, section 4952,
10 subsection 1 continue to be governed by those provisions until they are superseded by
11 municipal charter or ordinance.

12 ~~B. The planning committee may develop and maintain a comprehensive plan and may
13 develop any portion of an implementation program to which it is assigned in an adopted
14 comprehensive plan or otherwise directed by the municipal officers or municipal
15 legislative body or bodies. In performing these duties, the planning committee shall:~~

16 ~~(1) Hold public hearings and use other methods to solicit and strongly encourage
17 citizen input; and~~

18 ~~(2) Prepare the comprehensive plan or any portion of the implementation program
19 to which it is assigned in an adopted comprehensive plan and make
20 recommendations to the municipal legislative body regarding the adoption and
21 implementation of the program or amended program.~~

22 B-1. The planning committee may develop a comprehensive plan with public input
23 and may implement any portion of the plan to which it is assigned or otherwise directed
24 by the municipal officers or municipal legislative body or bodies. In performing these
25 duties, the planning committee shall:

26 (1) Bring together as many people from the community from as many different
27 backgrounds as possible through a series of public events and activities, including
28 workshops, work sessions, focused roundtable meetings and charrettes;

29 (2) Advertise the events and activities required by subparagraph (1) by distributing
30 a schedule through a combination of print and digital platforms well in advance of
31 the events and activities;

32 (3) Analyze the public input and use the input to prepare a draft of the
33 comprehensive plan;

34 (4) Make the draft comprehensive plan available to the public and solicit feedback
35 from the public on the draft comprehensive plan;

36 (5) Incorporate feedback from the public on the draft comprehensive plan and
37 make available to the public subsequent drafts as needed; and

38 (6) Make final recommendations to the municipal officers or municipal legislative
39 body or bodies regarding the adoption and implementation of the draft
40 comprehensive plan and provide assistance on the implementation of the plan.

41 **3. Citizen participation.** In order to encourage citizen participation in the
42 development of a growth management program, municipalities or ~~multimunicipal~~ regions

1 may adopt growth management programs only after ~~soliciting and considering a broad~~
2 ~~range of public review and comment. The intent of this subsection is to provide for the~~
3 ~~broad dissemination of proposals and alternatives, opportunity for written comments, open~~
4 ~~discussions, information dissemination and consideration of and response to public~~
5 ~~comments.;~~

6 A. Assembling and providing data, including the Department of Inland Fisheries and
7 Wildlife's habitat conservation mapping program maps and other maps and
8 infographics, to the public in an easy-to-understand format at the beginning of the
9 process to help inform planning work;

10 B. Soliciting and considering a broad range of public input by holding an initial public
11 workshop to gather ideas and priorities from the community;

12 C. Conducting a hands-on workshop with the public using analysis maps to understand
13 where residents want to protect critical natural resources and rural areas, how and
14 where the community wants to focus development and other issues and priorities
15 related to physical planning;

16 D. Preparing illustrative master plans for any designated growth areas where
17 significant change is imagined by the community, with multiple alternatives and
18 iterations generated and evaluated in response to public input and feedback, including
19 at least 2 rounds of review and revision, so that the final plans balance numerous state
20 and local goals; and

21 E. Providing multiple opportunities for the public to review and comment on draft
22 plans, proposals and priority actions, with opportunity for written and verbal feedback
23 from the public and consideration of and response to public comments.

24 **3-A. State participation.** A municipality shall notify the State and the local regional
25 planning organization when the municipality begins a comprehensive planning process.
26 The State and the regional planning organization shall work with the municipality to
27 provide mapping for initial public workshops, including the Department of Inland Fisheries
28 and Wildlife's habitat conservation mapping program maps and supporting resources. The
29 State may provide additional data and mapping.

30 **4. Meetings to be public.** The planning committee shall conduct all of its meetings
31 and work sessions in open, public session. Prior public notice must be given for all
32 meetings of the planning committee pursuant to Title 1, section 406. When possible, the
33 planning committee shall use meeting technology to allow participation from those who
34 are unable to attend in person. The planning committee shall record the meetings and make
35 the recordings available to the public.

36 **8. Public hearing required.** The planning committee shall hold at least one public
37 hearing on its ~~proposed~~ the draft comprehensive plan prior to adoption under subsection 9.
38 The planning committee shall hold a public hearing to present the draft comprehensive plan
39 with an interactive portion of the hearing that provides an opportunity for the public to ask
40 questions and provide feedback on the draft comprehensive plan. Following the
41 presentation of the draft comprehensive plan, the planning committee shall take public
42 comment for at least 14 days. After the comment period is closed, the planning committee
43 shall make plan revisions and issue the next draft, which is the public hearing draft. The

1 governing body of the municipality shall hold a joint public hearing with the planning
2 committee.

3 A. Notice of a public hearing must be posted in each municipality at least 30 days
4 before the hearing, except that, if a follow-up hearing is held pursuant to comments
5 made at a public hearing, the follow-up hearing may be conducted if public notice is
6 given pursuant to Title 1, section 406.

7 B. A copy of the proposed comprehensive plan must be made available for public
8 inspection at each municipal office or other convenient location with regular public
9 hours at least 30 days before the hearing and made available on the municipality's
10 publicly accessible website. If modification of the plan is proposed pursuant to
11 comments made at a public hearing, and if a follow-up public hearing is to be held, the
12 proposed changes must be made available for public inspection at each municipal
13 office or other convenient location with regular public hours before any follow-up
14 hearing.

15 **9. Adoption.** A comprehensive plan or land use ordinance is considered adopted as
16 part of a growth management program when it has been adopted by the municipality's
17 legislative body. A ~~multimunicipal~~ comprehensive plan or land use ordinance must be
18 adopted by the municipal legislative body of each participating municipality unless another
19 form of legislative authority has been established for this purpose within the municipality
20 or ~~multimunicipal~~ region.

21 **10. Amendments to an adopted plan.** When amending an adopted comprehensive
22 plan, a municipality or ~~multimunicipal~~ region shall follow the same procedures for citizen
23 participation, public notice and public hearing that are required for adoption of a
24 comprehensive plan.

25 **11. Intent.** The municipality or region shall ensure that the language and requirements
26 in charters, policies, codes, regulations, bylaws and fees are consistent and meet the overall
27 intent of the comprehensive plan.

28 **Sec. 5. 30-A MRSA §4325, sub-§2,** as amended by PL 2001, c. 578, §14, is further
29 amended to read:

30 **2. ~~Multimunicipal region~~ Region.** Any combination of municipalities may conduct
31 joint planning and regulatory programs to meet the requirements of this subchapter upon
32 adoption of a written comprehensive planning and enforcement agreement by the municipal
33 legislative bodies involved. The municipalities must agree:

34 A. On procedures for joint action in the preparation and adoption of comprehensive
35 plans, land use regulations and other implementation measures to be conducted on a
36 ~~multimunicipal~~ regional basis;

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

38 C. On the amount and source of contribution from each municipality for any costs
39 incurred in the development, implementation and enforcement of the comprehensive
40 plan and its implementation program and on the method of distributing the benefits or
41 impacts of regional land use, economic development, housing, transportation,
42 infrastructure and other shared plans and programs.

1 **Sec. 6. 30-A MRSA §4326, sub-§1**, as amended by PL 2021, c. 590, Pt. A, §§6 to
2 8 and c. 657, §5, is further amended to read:

3 **1. Inventory and Data analysis.** A comprehensive plan must include ~~an inventory~~
4 ~~and analysis section addressing~~ data analysis with information about local, regional and
5 ~~state goals under this subchapter and issues of regional or local significance that the~~
6 ~~municipality or multimunicipal region considers important.~~ The inventory analysis must
7 be based on information provided by the State, regional planning councils and other
8 relevant local or digital sources. The analysis must include ~~10-year projections of local~~
9 ~~and regional growth in population and~~ maps and infographics regarding where to direct
10 residential, commercial and industrial activity development; the projected need for public
11 facilities; and the vulnerability of and potential impacts on critical natural resources and
12 rural areas.

13 The ~~inventory and data~~ analysis section ~~must~~ may include, ~~but is not limited to~~:

14 A. Economic and demographic data describing the municipality or ~~multimunicipal~~
15 region and the region in which it is located;

16 B. Significant water resources such as lakes, aquifers, estuaries, rivers and coastal
17 areas and, when applicable, their vulnerability to degradation and barriers to aquatic
18 organism passage;

19 C. Significant or critical natural resources, such as wetlands, wildlife and fisheries
20 habitats, including undeveloped habitat blocks and connectivity between blocks,
21 significant plant habitats, coastal islands, sand dunes, scenic areas, shorelands, heritage
22 coastal areas as defined under Title 5, section 3316, and unique natural areas;

23 D. Marine-related resources and facilities such as ports, harbors, commercial
24 moorings, commercial docking facilities and related parking, and shell fishing and
25 worming areas;

26 E. Commercial forestry and agricultural land including analysis of land use regulations
27 in these areas to determine whether these areas are at risk of a change in use;

28 F. Existing recreation, park and open space areas and significant points of public
29 access to shorelands within a municipality or ~~multimunicipal~~ region;

30 G. Existing transportation systems, including the ~~capacity~~ safety of existing and
31 ~~proposed~~ major thoroughfares, secondary routes, pedestrian ways and parking facilities
32 and local streets, including the impact of development patterns on roadway capacity
33 and any nonvehicle transportation options;

34 H. Residential housing stock, including affordable housing, workforce housing and
35 market rate housing for low-income and moderate-income households, categorized by
36 building type, age and condition, an analysis of how policy and regulation affect
37 housing availability, an assessment of community needs and environmental effects of
38 ~~municipal regulations~~ the effects of municipal regulations on the environment, food
39 security and economic resiliency, an examination of the effect of excessive parking
40 requirements that limit the reuse of upper floors of buildings in downtowns and on
41 main streets, village centers, rural crossroads and high-impact corridors and an
42 identification of opportunities for accessory dwelling units;

1 H-1. Housing Data on availability of housing that meets the needs of older residents,
2 including housing that is rehabilitated, adapted or newly constructed to help older
3 adults residents age in place;

4 I. Historical and archeological resources including, at the discretion of the municipality
5 or ~~multimunicipal~~ region, stone walls, stone impoundments and timber bridges of
6 historical significance;

7 J. Land use information describing current ~~and projected~~ development patterns,
8 including where building permits are issued and whether new development is
9 responsive to community goals;

10 K. An assessment of capital facilities and public services necessary to support growth
11 and development and to protect the environment and health, safety and welfare of the
12 public and the costs of those facilities and services; ~~and~~

13 L. For a municipality or ~~multimunicipal~~ region that has adopted a local climate action
14 plan, a climate vulnerability assessment specific to the municipality or ~~multimunicipal~~
15 region prepared by the municipality or ~~multimunicipal~~ region-;

16 M. Information related to the socioeconomic makeup of the community, and the
17 availability of community networks, programs and support systems to respond to the
18 needs of local residents, including opportunities for multigenerational living,
19 affordable housing, safer streets for walking and biking, wellness support and ideas for
20 improving quality of life; and

21 N. Data related to the total length of roads, including the life cycle costs of existing
22 infrastructure projected out 30 years and the taxable value required to pay for additional
23 public services and ongoing maintenance and replacement costs.

24 **Sec. 7. 30-A MRSA §4326, sub-§2,** as amended by PL 2001, c. 578, §15, is
25 repealed.

26 **Sec. 8. 30-A MRSA §4326, sub-§2-A** is enacted to read:

27 **2-A. Policy development.** A comprehensive plan must include plans, policies and
28 action strategies to clearly illustrate and describe the community's desired outcomes for
29 critical natural areas deserving of maximum protection from development; rural areas
30 where development should be limited to ensure the long-term health of environmental
31 systems and support the rural economy, including fishing, farming and forestry; and
32 designated growth areas that support community life and a pattern of development that is
33 financially sustainable. The comprehensive plan must:

34 A. Identify and map conserved lands and critical natural resources that are subject to
35 state and federal regulations intended to preserve natural resources and related
36 economic activities that may include, but are not limited to, significant farmland, forest
37 land or mineral resources; high-value wildlife or fisheries habitat; scenic areas; public
38 water supplies; scarce or especially vulnerable natural resources; and open lands
39 functionally necessary to support a vibrant rural economy;

40 B. Identify and map rural areas deserving of protection from unrestricted development;

41 C. Identify and map designated growth areas where development already exists, where
42 new development should go and what the pattern of development should be. The

1 following designations and plans are required to be included in the comprehensive
2 plan:

3 (1) Mapping for each of the existing placetypes within a community that meet the
4 definitions contained in this chapter;

5 (2) Mapping for each desired new placetype. For rural communities or bedroom
6 communities that do not have existing placetypes, identification of new placetypes;
7 and

8 (3) For existing placetypes for which significant new development is desired or
9 for a new proposed placetype, illustrative master plans. These illustrative plans
10 must provide detailed visual and written instructions sufficient to serve as clear
11 guidance for updates to land use regulations. The master plans must illustrate
12 expectations and desires for street design, building types, civic spaces and other
13 built and natural elements important to the community;

14 D. Include decisions about how and where to conserve and develop land, determined
15 by data and analysis maps to help inform the community in the decision-making
16 process. Data and analysis maps must include information pertaining to water, natural
17 and marine resources; working farms and forest land; recreation, park and open spaces;
18 transportation systems; housing availability, affordability and choice; historic and
19 archaeological resources; capital facilities, municipal services and municipal return on
20 investment from different patterns of development; and climate and sea level rise. The
21 following maps are required to be included in the comprehensive plan:

22 (1) An environmental systems map based on the Department of Inland Fisheries
23 and Wildlife's habitat conservation mapping program maps that identify critical
24 natural resources;

25 (2) An open space and trails map showing conserved lands and important natural
26 resources, including trail networks and recreation areas;

27 (3) A connectivity map showing existing conserved lands and trails, as well as
28 priority lands for future recreation and conservation and existing placetypes;

29 (4) A map of existing neighborhood centers, village centers and other placetypes,
30 showing the street network, walking and biking routes and community assets; and

31 (5) A conservation, rural and growth map showing existing conserved lands, rural
32 areas and growth areas;

33 E. Promote the state goals under this subchapter;

34 F. Address any conflicts between state goals under this subchapter;

35 G. Address any conflicts between regional and local issues;

36 H. Address the State's coastal policies if any part of the municipality or region is a
37 coastal area; and

38 I. Ensure that the language and requirements in charters, policies, codes, regulations,
39 bylaws and fees are consistent and meet the overall intent of the comprehensive plan.

40 **Sec. 9. 30-A MRS §4326, sub-§3**, as amended by PL 2007, c. 247, §2, is further
41 amended to read:

1 **3. Implementation strategy.** A comprehensive plan must include an implementation
2 a strategy section that contains a timetable for the implementation program, including land
3 use ordinances, ensuring that the goals established under this subchapter are met
4 implementing the plans, policies and strategies described in subsection 2-A, including
5 updates to land use ordinances. These implementation strategies must be consistent with
6 state law and must actively promote policies developed during the planning process. The
7 timetable must identify significant ordinances to be included in the implementation
8 program. The strategies and timetable must guide the subsequent adoption of policies,
9 programs and land use ordinances and periodic review of the comprehensive plan.

10 **Sec. 10. 30-A MRS §4326, sub-§3-A,** as corrected by RR 2021, c. 2, Pt. A, §109,
11 is repealed.

12 **Sec. 11. 30-A MRS §4326, sub-§3-B** is enacted to read:

13 **3-B. Guidelines for implementation strategies.** In developing its implementation
14 strategies and subsequent policies, programs and land use ordinances, each municipality or
15 region shall employ the following guidelines consistent with the goals of this subchapter:

16 A. Except as otherwise provided in this paragraph, adoption of land use policies and
17 action strategies that support the comprehensive plan’s identified conservation areas
18 and rural and growth areas, as defined in this chapter.

19 (1) Within growth areas, each municipality or region shall:

20 (a) Establish development standards that promote the kind of development
21 described in the municipality's comprehensive plan, including:

22 (i) Reduce minimum lot area, lot widths, minimum unit sizes and lot area
23 per unit requirements in designated growth areas in order to enable the
24 objectives of the comprehensive plan;

25 (ii) Align front and side setbacks with the characteristics found in each
26 designated growth area. Shallower setbacks must be permitted in areas
27 where a new pattern of development is desired by the community;

28 (iii) Allow for a range of multi-unit building types within designated
29 growth areas, including but not limited to duplexes, small apartment
30 houses, small apartment buildings, mixed-use buildings with residential
31 units above commercial units and other building types;

32 (iv) Designate use of municipally owned land for affordable housing;

33 (v) Reduce or eliminate on-site parking requirements for buildings in
34 downtowns, adjacent neighborhoods, village centers and high-impact
35 corridors;

36 (vi) Eliminate on-site open space requirements within designated growth
37 areas and replace with civic spaces standards to encourage the
38 development of meaningful public gathering spaces in order to enable the
39 objectives of the comprehensive plan;

40 (vii) Provide clear and simple rules for the allowance of accessory
41 dwelling units;

- 1 (viii) Consider adopting form-based development standards or
2 preapproved building types;
- 3 (ix) Establish timely permitting procedures, including strategies to move
4 more projects to administrative review; and
- 5 (x) Consider the effects of the standards on the environment, food security
6 and economic resiliency.
- 7 Where new growth areas are identified, neighborhood standards must be
8 adopted to guide development in a way that implements the community's
9 vision and produces a built form as illustrated in the master plan, including
10 block dimensions, street standards, public space standards, frontage standards,
11 parking location standards and other standards that meet the definition of
12 neighborhood standards provided in this subchapter;
- 13 (b) Support development, including affordable housing development, by
14 establishing programs and funding such as tax increment financing programs,
15 low-interest revolving loan funds, life safety grants, facade grants, reduced
16 impact fees in growth areas and establishing a local or regional land bank or a
17 community land trust;
- 18 (c) Create a financial plan for the maintenance and replacement of existing
19 public infrastructure and services over a 30-year life cycle;
- 20 (d) Develop a capital investment plan for financing the replacement and
21 expansion of public facilities and services required to meet projected growth
22 and development; and
- 23 (e) Prevent inappropriate development in natural hazard areas, including flood
24 plains and areas of high erosion.
- 25 (2) Within rural areas, each municipality or region shall adopt land use policies
26 and ordinances to discourage incompatible development. These policies and
27 ordinances may include, without limitation:
- 28 (a) Establishing a source of local funds for acquisition of land or conservation
29 easements, including annual municipal funding of local conservation
30 organizations that can secure conservation grants, or through private
31 fundraising;
- 32 (b) Increasing minimum lot area to 10 acres or more and increasing lot widths
33 to 250 feet or more;
- 34 (c) Assessing impact fees on subdivisions located outside of designated
35 growth areas;
- 36 (d) Adopting a rate of growth ordinance or a cap on building permits for
37 residential and commercial development located outside of designated growth
38 areas;
- 39 (e) Allowing rural farmsteads on lots that are 5 acres or more with a lot width
40 of at least 250 feet;
- 41 (f) Establishing a transfer of development rights program pursuant to section
42 4328 and performance standards;

1 (g) A policy that the municipality will not assume public ownership or
2 maintenance responsibilities of private roads located in rural areas; and

3 (h) Consideration of the effects of the policies and ordinances on the
4 environment, food security and economic resiliency; and

5 B. Ensuring that the language and requirements in charters, policies, codes,
6 regulations, bylaws and fees are consistent and meet the overall intent of the
7 comprehensive plan.

8 **Sec. 12. 30-A MRSA §4326, sub-§4**, as amended by PL 2001, c. 578, §15, is
9 further amended to read:

10 **4. Regional coordination program.** A regional coordination program must be
11 developed with other municipalities or ~~multimunicipal~~ regions to manage shared resources
12 and facilities, such as rivers, aquifers, transportation facilities and others. This program
13 must provide for consistency with the comprehensive plans of other municipalities or
14 ~~multimunicipal~~ regions for these resources and facilities.

15 **Sec. 13. 30-A MRSA §4326, sub-§4-A**, as enacted by PL 2019, c. 153, §5, is
16 amended to read:

17 **4-A. Addressing sea level rise.** A municipality or ~~multimunicipal~~ region that is in the
18 coastal area may include in its comprehensive plan projections regarding changes in sea
19 level and potential effects of the rise in sea level on buildings, transportation infrastructure,
20 sewage treatment facilities and other relevant municipal, ~~multimunicipal~~ or privately held
21 infrastructure or property and may develop a coordinated plan for addressing the effects of
22 the rise in sea level. For the purposes of this subsection, "coastal area" has the same
23 meaning as in Title 38, section 1802, subsection 1.

24 **Sec. 14. 30-A MRSA §4326, sub-§4-B**, as enacted by PL 2021, c. 590, Pt. A, §9,
25 is amended to read:

26 **4-B. Addressing climate risks and building resilience to natural hazards.** A
27 municipality or ~~multimunicipal~~ region may include in its comprehensive plan projections
28 regarding risks posed by climate change as identified in its climate vulnerability assessment
29 prepared pursuant to subsection 1, paragraph L and the potential effects of those risks on
30 buildings, transportation infrastructure, sewage treatment facilities and other relevant
31 municipal, ~~multimunicipal~~ or privately held infrastructure, property or protected natural
32 resources and may develop a coordinated plan for addressing those risks and for building
33 resilience to natural hazards.

34 As used in this subsection, "protected natural resource" has the same meaning as in Title
35 38, section 480-B, subsection 8.

36 **Sec. 15. 30-A MRSA §4326, sub-§5**, as amended by PL 2001, c. 578, §15, is
37 further amended to read:

38 **5. Implementation program.** An implementation program must be adopted that is
39 consistent with the strategies in subsection ~~3-A~~ 3-B.

40 **Sec. 16. 30-A MRSA §4345**, as amended by PL 2011, c. 655, Pt. JJ, §19 and
41 affected by §41, is further amended to read:

42 **§4345. Purpose; department to administer program**

1 Under the provisions of this article, a municipality or ~~multimunicipal~~ region may
2 request financial or technical assistance from the department for the purpose of planning
3 and implementing a growth management program. A municipality or ~~multimunicipal~~
4 region that requests and receives a financial assistance grant shall develop and implement
5 its growth management program in cooperation with the department and in a manner
6 consistent with the procedures, goals and guidelines established in this subchapter.

7 To accomplish the purposes of this article, the department shall develop and administer
8 a technical and financial assistance program for municipalities or ~~multimunicipal~~ regions.
9 The program must include direct financial assistance for planning and implementation of
10 growth management programs, standards governing the review of growth management
11 programs by the department, technical assistance to municipalities or ~~multimunicipal~~
12 regions and a voluntary certification program for growth management programs.

13 **Sec. 17. 30-A MRSA §4346**, as amended by PL 2021, c. 590, Pt. A, §10, is further
14 amended to read:

15 **§4346. Technical and financial assistance program**

16 The technical and financial assistance program for municipalities, regional councils
17 and ~~multimunicipal~~ regions is established to encourage and facilitate the adoption and
18 implementation of local, regional and statewide growth management programs.

19 The department may enter into financial assistance grants only to the extent that funds
20 are available. In making grants, the department shall consider the need for planning in a
21 municipality or ~~multimunicipal~~ region, the proximity of the municipality or ~~multimunicipal~~
22 region to other areas that are conducting or have completed the planning process and the
23 economic and geographic role of the municipality or ~~multimunicipal~~ region within a
24 regional context. The department shall give priority in making grants to any municipality
25 or ~~multimunicipal~~ region that has adopted a local climate action plan and, if the
26 municipality or ~~multimunicipal~~ region has adopted a comprehensive plan or growth
27 management program, prepared a climate vulnerability assessment pursuant to section
28 4326, subsection 1, paragraph L. The department may consider other criteria in making
29 grants, as long as the criteria support the goal of encouraging and facilitating the adoption
30 and implementation of local and ~~multimunicipal~~ regional growth management programs
31 consistent with the procedures, goals and guidelines established in this subchapter. In order
32 to maximize the availability of the technical and financial assistance program to all
33 municipalities, ~~multimunicipal~~ regions and regional councils, financial assistance programs
34 administered competitively under this article are exempt from rules adopted by the
35 Department of Administrative and Financial Services pursuant to Title 5, section 1825-C
36 for use in the purchase of services and the awarding of grants and contracts. The
37 department shall publish a program statement describing its grant program and advertising
38 its availability to eligible applicants.

39 **2-A. Financial assistance grants.** A contract for a financial assistance grant must:

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

42 B. Provide for the payment of a specific amount for the purposes of implementing that
43 plan; and

1 C. Include specific timetables governing the preparation and submission of products
2 by the municipality or ~~multimunicipal~~ region.

3 The department may not require a municipality or ~~multimunicipal~~ region to provide
4 matching funds in excess of 25% of the value of that municipality's or ~~multimunicipal~~
5 region's financial assistance contract for its first planning assistance grant and
6 implementation assistance grant. The department may require a higher match for other
7 grants, including, but not limited to, grants for the purpose of updating comprehensive
8 plans. This match limitation does not apply to distribution of federal funds that the
9 department may administer.

10 **2-B. Use of funds.** A municipality or ~~multimunicipal~~ region may expend financial
11 assistance grants for:

- 12 A. The conduct of surveys, inventories and other data-gathering activities;
- 13 B. The hiring of planning and other technical staff;
- 14 C. The retention of planning consultants;
- 15 D. Contracts with regional councils for planning and related services;
- 16 E. Assistance in the development of ordinances;
- 17 F. Retention of technical and legal expertise;
- 18 G. The updating of growth management programs or components of a program;
- 19 G-1. Evaluation of growth management programs; and
- 20 H. Any other purpose agreed to by the department and the municipality or
21 ~~multimunicipal~~ region that is directly related to the preparation of a comprehensive
22 plan or the implementation of a comprehensive plan adopted in accordance with the
23 procedures, goals and guidelines established in this subchapter.

24 **2-C. Program evaluation.** Any recipient of a financial assistance grant shall
25 cooperate with the department in performing program evaluations required under section
26 4331.

27 **2-D. Encumbered balances at year-end.** Notwithstanding Title 5, section 1589, at
28 the end of each fiscal year, all encumbered balances accounts for financial assistance and
29 regional planning grants may be carried forward for 2 years beyond the year in which those
30 balances are encumbered.

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

38 **4. Regional council assistance.** As part of the technical and financial assistance
39 program, the department may develop and administer a program to develop regional
40 education and training programs, regional policies to address state goals and regional
41 assessments. Regional assessments may include, but are not limited to, public
42 infrastructure, inventories of agricultural and commercial forest lands, housing needs,

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

7 **5. Coordination.** State agencies with regulatory or other authority affecting the goals
8 established in this subchapter shall conduct their respective activities in a manner consistent
9 with the goals established under this subchapter, including, but not limited to, coordinating
10 with municipalities, regional councils and other state agencies in meeting the state goals;
11 providing available information to regions and municipalities as described in section 4326,
12 subsection 1; cooperating with efforts to integrate and provide access to geographic
13 information system data; making state investments and awarding grant money as described
14 in section 4349-A; and conducting reviews of growth management programs as provided
15 in section 4347-A, subsection 3, paragraph A. Without limiting the application of this
16 section to other state agencies, the following agencies shall comply with this subchapter:

17 B. Department of Economic and Community Development;

18 C. Department of Environmental Protection;

19 D. Department of Agriculture, Conservation and Forestry;

20 E. Department of Inland Fisheries and Wildlife;

21 F. Department of Marine Resources;

22 G. Department of Transportation;

23 G-1. Department of Health and Human Services;

24 H. Finance Authority of Maine; and

25 I. Maine State Housing Authority.

26 **Sec. 18. 30-A MRSA §4347-A**, as amended by PL 2011, c. 655, Pt. JJ, §21 and
27 affected by §41, is further amended to read:

28 **§4347-A. Review of programs by department**

29 **1. Comprehensive plans.** A municipality or ~~multimunicipal~~ region that chooses to
30 prepare a growth management program and receives a planning grant under this article
31 shall submit its comprehensive plan to the department for review. A municipality or
32 ~~multimunicipal~~ region that chooses to prepare a growth management program without
33 receiving a planning grant under this article may submit its comprehensive plan to the
34 department for review. The department shall review plans for consistency with the
35 procedures, goals and guidelines established in this subchapter. A contract for a planning
36 assistance grant must include specific timetables governing the review of the
37 comprehensive plan by the department. A comprehensive plan submitted for review more
38 than 12 months following a contract end date may be required to contain data, projections
39 and other time-sensitive portions of the plan or program that are in compliance with the
40 department's most current review standards.

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

1 A. Upon a request for review under this section, the department shall review the
2 program and determine whether the program is consistent with the procedures, goals
3 and guidelines established in this subchapter.

4 B. Certification by the former State Planning Office or the department of a
5 municipality's or ~~multimunicipal~~ region's growth management program under this
6 article is valid for 10 years. To maintain certification, a municipality or ~~multimunicipal~~
7 region shall periodically review its growth management program and submit to the
8 department in a timely manner any revisions necessary to account for changes,
9 including changes caused by growth and development. Certification does not lapse in
10 any year in which the Legislature does not appropriate funds to the department for the
11 purposes of reviewing programs for recertification.

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

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

20 A. Solicit written comments on any proposed growth management program from
21 regional councils, state agencies, all municipalities contiguous to the municipality or
22 ~~multimunicipal~~ region submitting a growth management program and any interested
23 residents of the municipality or ~~multimunicipal~~ region or of contiguous municipalities.
24 The comment period extends for 45 days after the department receives the growth
25 management program.

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

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

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

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

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

1 (2) If the department finds that the growth management program was adopted in
2 accordance with the procedures, goals and guidelines established in this
3 subchapter, the department shall issue a certificate of consistency for the growth
4 management program.

5 (3) Notwithstanding paragraph D, if a municipality or ~~multimunicipal~~ region
6 requests a certificate of consistency for its growth management program, any
7 unmodified component of that program that has previously been reviewed by the
8 former State Planning Office or the department and has received a finding of
9 consistency will retain that finding during program certification review by the
10 department as long as the finding of consistency is current as defined in rules
11 adopted by the department;

12 D. Provide ample opportunity for the municipality or ~~multimunicipal~~ region
13 submitting a growth management program to respond to and correct any identified
14 deficiencies in the program. A finding of inconsistency for a growth management
15 program may be addressed within 24 months of the date of the finding without
16 addressing any new review standards that are created during that time interval. After
17 24 months, the program must be resubmitted in its entirety for state review under the
18 department's most current review standards; and

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

21 The department's decision on consistency of a growth management program constitutes
22 final agency action.

23 **3-A. Review of comprehensive plan.** In reviewing a comprehensive plan, the
24 department shall:

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

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

34 C. Within 35 business days after receiving the comprehensive plan, ~~notify the~~
35 ~~municipality or multimunicipal region if the plan is complete for purposes of review.~~
36 ~~If the department notifies the municipality or multimunicipal region that the plan is not~~
37 ~~complete for purposes of review, the department shall indicate in its notice necessary~~
38 additional data or information the department shall issue findings based on a review of
39 the requirements of this subchapter. Comments unrelated to the required elements of
40 this subchapter are advisory. The written comments prepared under this section must
41 distinguish between advisory and substantive comments;

42 ~~D. Within 10 business days of issuing notification that a comprehensive plan is~~
43 ~~complete for purposes of review, issue findings specifically describing whether the~~
44 ~~submitted plan is consistent with the procedures, goals and guidelines established in~~

1 this subchapter and identify which inconsistencies in the plan, if any, may directly
2 affect rate of growth, zoning or impact fee ordinances.

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

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

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

14 D-1. If the department finds that the comprehensive plan was developed in accordance
15 with the mandatory procedures, goals and guidelines established in this subchapter, the
16 department shall issue a finding of consistency for the comprehensive plan. If the
17 department finds that the comprehensive plan does not meet the requirements
18 established in this subchapter, the department shall issue a finding of inconsistency and
19 recommendations for resolving the inconsistency;

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

22 F. Provide ample opportunity for the municipality or ~~multimunicipal~~ region submitting
23 a comprehensive plan to respond to and ~~correct any identified deficiencies in the plan~~
24 revise the plan to be consistent with the requirements of this subchapter. A finding of
25 inconsistency for a comprehensive plan may be addressed within 24 months of the date
26 of the finding without addressing any new review standards that are created during that
27 time interval. After 24 months, the plan must be resubmitted in its entirety for state
28 review under the department's most current review standards.

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

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

36 A finding by the department pursuant to paragraph ~~D~~ D-1 that a comprehensive plan is
37 consistent with the ~~procedures, goals and guidelines requirements~~ established in this
38 subchapter is valid for 12 years from the date of its issuance. A finding by the former State
39 Planning Office issued pursuant to this subchapter prior to December 31, 2000 that a
40 comprehensive plan is consistent with the ~~procedures, goals and guidelines requirements~~
41 established in this subchapter is valid until December 31, 2012. For purposes of section
42 4314, subsection 3 and section 4352, subsection 2, expiration of a finding of consistency
43 pursuant to this subsection does not itself make a comprehensive plan inconsistent with the
44 ~~procedures, goals and guidelines requirements~~ established in this subchapter.

