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HOUSING AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1169, L.D. 1751, “An Act to Improve the Growth Management Program Laws”

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 30-A MRSA §4301, sub-§1, as corrected by RR 2017, c. 1, §22, is repealed and the following enacted in its place:

1. Affordable housing. "Affordable housing" means a decent, safe and sanitary dwelling 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.'

Sec. 2. 30-A MRSA §4301, sub-§1-A, as enacted by PL 2005, c. 244, §1, is amended to read:

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

Amend the bill by striking out all of section 11 and inserting the following:

'Sec. 11. 30-A MRSA §4301, sub-§12-A is enacted to read:

1 **12-A. Place type.** "Place type" means a definable geographic settlement pattern
2 identifiable by the type of activities that occur there and by a set of characteristics related
3 to its location, including the proximity and relationship to natural resources and rural areas,
4 the size of the developed area, the arrangement of buildings and their uses, the pattern and
5 arrangement of streets, the type of infrastructure available and the presence of civic spaces
6 and civic buildings.

7 **Sec. 12. 30-A MRSA §4301, sub-§14-B,** as amended by PL 2021, c. 590, Pt. A,
8 §5, is further amended to read:

9 **14-B. Rural area.** "Rural area" means a geographic area that is identified and
10 designated in a municipality's or multimunicipal region's comprehensive plan as an area
11 that is deserving of some level of regulatory protection from unrestricted development for
12 purposes that may include, but are not limited to, supporting farmland and agriculture,
13 forest land and forestry, mineral resources and mining, open space, erosion mitigation,
14 water retention, wildlife habitat, fisheries habitat, natural resources, open land and scenic
15 lands, and away from which most development projected over 10 years is diverted.'

16 Amend the bill by inserting after section 13 the following:

17 '**Sec. 14. 30-A MRSA §4312, sub-§3, ¶A,** as amended by PL 2001, c. 578, §9, is
18 further amended to read:

19 A. To encourage orderly growth and development in appropriate areas of each
20 community and region while protecting the State's rural character, ~~making efficient use~~
21 ~~of public services~~ working lands, natural resources and natural resource-based
22 industries and preventing development sprawl and sprawl-associated impacts on public
23 health, safety and welfare;'

24 Amend the bill in section 18 in paragraph G in the last 2 lines (page 2, lines 36 and 37
25 in L.D.) by striking out the following: "commercial ~~fishermen~~ fisheries" and inserting the
26 following: '~~commercial fishermen~~ persons who fish commercially'

27 Amend the bill in section 31 in §4326 in subsection 1 in the 4th line (page 4, line 31 in
28 L.D.) by inserting after the following: "on" the following: 'environmental systems mapping
29 and other'

30 Amend the bill in section 31 in §4326 in subsection 1 in the 10th line (page 4, line 37
31 in L.D.) by inserting after the following: "conditions." the following: 'The rules must allow
32 flexibility in the timing and quantity of data collected so that communities may pursue a
33 strategy of iterative rounds of public participation, data collection and data generation and
34 require that the comprehensive plan include a map of existing conditions that identifies
35 areas in the municipality where development would be inconsistent with the plan and areas
36 that may be considered suitable for development. The map of existing conditions must, at
37 a minimum, include data related to the environment, the natural resource-based economy,
38 local or regional water supplies and natural hazards. The map is required only if the
39 department provides data and tools that allow municipalities to produce the map at a minor
40 cost or less.'

41 Amend the bill in section 31 in §4326 in subsection 1 in the first blocked paragraph in
42 the 2nd line (page 4, line 39 in L.D.) by striking out the following: "existing conditions or
43 desired"

1 Amend the bill in section 31 in §4326 in subsection 2 in the first line (page 5, line 33
2 in L.D.) by striking out the following: "~~Policy~~ Local goals and policy" and inserting the
3 following: 'Policy'

4 Amend the bill in section 31 in §4326 in subsection 2 in the 3rd line (page 5, line 35 in
5 L.D.) by inserting after the following: "goals" the following: 'and to the local goals'

6 Amend the bill in section 31 in §4326 in subsection 3 in the 8th line (page 6, line 9 in
7 L.D.) by inserting after the following: "ordinances" the following: ', including a capital
8 investment plan for the replacement and expansion of public facilities and services required
9 to meet projected growth and development,'

10 Amend the bill in section 31 in §4326 in subsection 3 in the last 3 lines (page 6, lines
11 10 to 12 in L.D.) by striking out the following: ", including a capital investment plan for
12 the replacement and expansion of public facilities and services required to meet projected
13 growth and development"

14 Amend the bill in section 31 in §4326 in subsection 3 by adding at the end the following
15 new blocked paragraph:

16 'The department shall develop and maintain a catalog of implementation strategies
17 appropriate for various place types.'

18 Amend the bill in section 31 in §4326 in subsection 3-B in paragraph A in the last line
19 (page 9, line 3 in L.D.) by inserting after the following: "rural areas" the following: 'and
20 may include one or more growth areas identified in a comprehensive plan adopted or to be
21 adopted by one or more other municipalities or multimunicipal regions in accordance with
22 an interlocal agreement adopted in accordance with chapter 115 with one or more
23 municipalities or multimunicipal regions'

24 Amend the bill in section 31 in §4326 in subsection 3-B in paragraph B in the first line
25 (page 9, line 4 in L.D.) by striking out the following: "municipality or multimunicipal
26 region may also" and inserting the following: 'future land use plan may'

27 Amend the bill in section 31 in §4326 in subsection 3-B by striking out all of paragraph
28 C (page 9, lines 8 to 12 in L.D.) and inserting the following:

29 'C. A future land use plan may identify and designate more place types to provide
30 further guidance on the establishment or modification of a municipality's or
31 multimunicipal region's rate of growth ordinance, zoning ordinance or impact fee
32 ordinance.'

33 Amend the bill in section 31 in §4326 in subsection 3-B in paragraph D in the first line
34 (page 9, line 13 in L.D.) by striking out the following: "municipality or multimunicipal
35 region" and inserting the following: 'future land use plan'

36 Amend the bill in section 31 in §4326 in subsection 3-B in paragraph D in the 3rd line
37 (page 9, line 15 in L.D.) by striking out the following: "it demonstrates," and inserting the
38 following: 'the municipality or multimunicipal region demonstrates, in its comprehensive
39 plan and'

40 Amend the bill in section 31 in §4326 in subsection 3-B in paragraph D in subparagraph
41 (2) in the last line (page 9, line 24 in L.D.) by striking out the following: "and" and inserting
42 the following: 'or'

1 Amend the bill in section 31 in §4326 in subsection 3-B in paragraph D by inserting
2 after subparagraph (3) following blocked paragraph:

3 'A municipality or multimunicipal region exercising the discretion afforded by this
4 paragraph shall review the basis for its demonstration during the periodic revisions
5 undertaken pursuant to section 4347-A.'

6 Amend the bill in section 31 in §4326 in subsection 3-B by striking out all of
7 paragraphs E and F (page 9, lines 27 to 34 in L.D.).

8 Amend the bill in section 31 in §4326 in subsection 5 in the 2nd line (page 10, line 15
9 in L.D.) by striking out the following: "strategies in" and inserting the following: 'strategies
10 in'

11 Amend the bill in section 31 in §4326 in subsection 5 in the 2nd line (page 10, line 15
12 in L.D.) by inserting after the following: "3-A" the following: elements of

13 Amend the bill in section 33 in subsection 5 in the 7th line (page 11, line 20 in L.D.)
14 by striking out the following: "and"

15 Amend the bill by striking out all of section 43 and inserting the following:

16 **'Sec. 43. State agency rules.** Notwithstanding the Maine Revised Statutes, Title
17 30-A, section 4312, subsection 4, rules initially adopted by the state agency responsible for
18 the administration of the growth management program under Title 30-A, chapter 187,
19 subchapter 2 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
20 As part of the rule-making process under this section, the state agency responsible for the
21 administration of the growth management program shall define the term "downtown."

22 **Sec. 44. Stakeholder group.** Prior to initiating rulemaking as required by this Act,
23 the state agency responsible for the administration of the growth management program
24 under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall convene a
25 stakeholder group for the purpose of soliciting input on the development of rules necessary
26 to implement Title 30-A, chapter 187, subchapter 2, as amended by this Act. The Joint
27 Standing Committee on Housing and Economic Development must be notified of and
28 invited to all meetings of the stakeholder group.

29 **Sec. 45. Develop guidance for public participation.** The state agency
30 responsible for the administration of the growth management program under the Maine
31 Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall develop guidance materials
32 describing strategies for soliciting, encouraging and incorporating public input into the
33 development of a comprehensive plan. At a minimum, the guidance materials must include:

34 1. Strategies to solicit input from all demographic groups of residents, including
35 historically underrepresented people, through a series of public events and activities,
36 including hands-on workshops, work sessions or focused roundtable meetings;

37 2. Effective methods to advertise events and activities through a combination of print
38 and digital platforms in advance of the events and activities;

39 3. Multiple methods to provide opportunities for the public to contribute ideas, discuss
40 key issues facing the community, set priorities and develop policies and strategies to
41 address local challenges, including, but not limited to, seeking input through digital and
42 paper surveys, questionnaires, visual preference surveys and other means;

1 4. Methods to analyze the public input and use the input to prepare a draft of the
2 comprehensive plan and meet the requirements for a comprehensive plan under Title 30-A,
3 section 4326; and

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

6 **Sec. 46. Comprehensive plan guide.** The state agency responsible for the
7 administration of the growth management program under the Maine Revised Statutes, Title
8 30-A, chapter 187, subchapter 2 shall prepare a guide to assist municipalities in choosing
9 among various approaches to comprehensive planning. A place type approach must be
10 included as one of the options.

11 **Sec. 47. Technical assistance materials.** The state agency responsible for the
12 administration of the growth management program under the Maine Revised Statutes, Title
13 30-A, chapter 187, subchapter 2 shall prepare technical assistance materials regarding how
14 to use place types or similar planning tools in comprehensive planning. Persons with
15 experience in using place types and similar planning tools in comprehensive planning must
16 be consulted by the state agency during the process of preparing the technical assistance
17 materials.

18 **Sec. 48. Planning tools partnering.** The state agency responsible for the
19 administration of the growth management program under the Maine Revised Statutes, Title
20 30-A, chapter 187, subchapter 2 shall partner with at least 3 communities that use place
21 types or similar planning tools to acquire information on how these tools can be used in
22 communities of varying sizes, geographies and resources.

23 **Sec. 49. Progress report.** By January 15, 2026, the state agency responsible for the
24 administration of the growth management program under the Maine Revised Statutes, Title
25 30-A, chapter 187, subchapter 2 shall provide an interim report on progress implementing
26 this Act to the Joint Standing Committee on Housing and Economic Development. The
27 committee is authorized to introduce legislation based on the report to the Second Regular
28 Session of the 132nd Legislature.'

29 Amend the bill in section 44 in the 2nd and 3rd lines (page 14, lines 4 and 5 in L.D.)
30 by striking out the following: "Department of Agriculture, Conservation and Forestry" and
31 inserting the following: 'state agency responsible for the administration of the growth
32 management program under Title 30-A, chapter 187, subchapter 2'

33 Amend the bill in section 44 in the 6th line (page 14, line 8 in L.D.) by striking out the
34 following: "department" and inserting the following: 'state agency'

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

37 SUMMARY

38 This amendment, which is the minority report of the committee, makes the following
39 changes to the bill.

40 1. It amends the definitions of "affordable housing," "cluster development," "place
41 type" and "rural area" in the laws governing planning and land use regulation.

