

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

H.P. 1169 - L.D. 1751

An Act to Improve the Growth Management Program Laws

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

**Sec. 1. 30-A MRSA §4301, sub-§1**, as corrected by RR 2017, c. 1, §22, is repealed and the following enacted in its place: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

**Sec. 3. 30-A MRSA §4301, sub-§3**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10 and amended by c. 562, §1, is further amended to read:

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

**Sec. 4. 30-A MRSA §4301, sub-§4-B,** as enacted by PL 2001, c. 578, §2, is repealed.

**Sec. 5. 30-A MRSA §4301, sub-§5-B, ¶C,** as enacted by PL 1999, c. 776, §7, is amended to read:

C. Construction ~~or~~ extension or upgrade of sewer, water and other utility ~~lines~~ infrastructure;

**Sec. 6. 30-A MRSA §4301, sub-§5-B, ¶D,** as amended by PL 2001, c. 613, §1, is further amended to read:

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

**Sec. 7. 30-A MRSA §4301, sub-§5-B, ¶E,** as amended by PL 2001, c. 613, §1, is further amended to read:

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

**Sec. 8. 30-A MRSA §4301, sub-§5-B, ¶F** is enacted to read:

F. Development of mixed-use housing projects; and

**Sec. 9. 30-A MRSA §4301, sub-§5-B, ¶G** is enacted to read:

G. Bicycle and pedestrian infrastructure.

**Sec. 10. 30-A MRSA §4301, sub-§9,** as amended by PL 2001, c. 578, §4, is further amended to read:

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

**Sec. 11. 30-A MRSA §4301, sub-§10,** as amended by PL 2001, c. 578, §5, is further amended to read:

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

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

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

**Sec. 13. 30-A MRSA §4301, sub-§14-B,** as amended by PL 2021, c. 590, Pt. A, §5, is further amended to read:

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

**Sec. 14. 30-A MRSA §4312, sub-§2, ¶I,** as enacted by PL 2001, c. 578, §8, is repealed.

**Sec. 15. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

J. Encourage cooperation and efficiency among municipalities in the development of multimunicipal growth management programs, multimunicipal comprehensive plans, regional inventory and analyses and local and regional policy development.

**Sec. 16. 30-A MRSA §4312, sub-§3, ¶A,** as amended by PL 2001, c. 578, §9, is further amended to read:

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

**Sec. 17. 30-A MRSA §4312, sub-§3, ¶B,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

B. To plan for, finance and develop an efficient system of public facilities, transportation infrastructure and public services to accommodate anticipated growth and economic development;

**Sec. 18. 30-A MRSA §4312, sub-§3, ¶D,** as amended by PL 2021, c. 657, §1, is further amended to read:

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

**Sec. 19. 30-A MRSA §4312, sub-§3, ¶D-1** is enacted to read:

D-1. To promote land use policies and land use ordinances that encourage housing in proximity to jobs and services;

**Sec. 20. 30-A MRSA §4312, sub-§3, ¶E,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

E. To protect and improve the quality and to manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and coastal areas;

**Sec. 21. 30-A MRSA §4312, sub-§3, ¶G,** as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

G. To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for ~~commercial fishermen~~ persons who fish commercially and the public;

**Sec. 22. 30-A MRSA §4312, sub-§3, ¶L**, as amended by PL 2021, c. 657, §3, is further amended to read:

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

**Sec. 23. 30-A MRSA §4312, sub-§3, ¶N**, as enacted by PL 2019, c. 153, §3 and reallocated by RR 2019, c. 1, Pt. A, §39, is amended to read:

N. To plan for the effects of ~~the rise in~~ natural hazards, including but not limited to rising sea level, coastal and riverine flooding and extreme weather, on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources.

**Sec. 24. 30-A MRSA §4314, sub-§1**, as amended by PL 2003, c. 641, §2, is repealed.

**Sec. 25. 30-A MRSA §4314, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt. JJ, §16 and affected by §41, is repealed.

**Sec. 26. 30-A MRSA §4314, sub-§3, ¶E**, as repealed and replaced by PL 2005, c. 397, Pt. A, §31, is amended to read:

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

**Sec. 27. 30-A MRSA §4314, sub-§3, ¶F**, as amended by PL 2011, c. 655, Pt. JJ, §16 and affected by §41, is repealed.

**Sec. 28. 30-A MRSA §4317** is enacted to read:

**§4317. Adopted comprehensive plan in effect**

A comprehensive plan adopted or amended by a municipality or multimunicipal region under this subchapter remains in effect until amended or repealed in accordance with the procedures, goals and guidelines established in this subchapter.

**Sec. 29. 30-A MRSA §4324, sub-§8, ¶B**, as amended by PL 2003, c. 641, §8, is further amended to read:

B. A copy of the proposed comprehensive plan must be made available for public inspection at each municipal office or other convenient location with regular public hours at least 30 days before the hearing and by whatever means the municipality regularly publishes its public information. If modification of the plan is proposed pursuant to comments made at a public hearing, and if a follow-up public hearing is to be held, the proposed changes must be made available for public inspection at each

municipal office or other convenient location with regular public hours before any follow-up hearing.

**Sec. 30. 30-A MRSA §4325, sub-§1**, as amended by PL 1991, c. 622, Pt. F, §28, is further amended to read:

**1. Within municipality.** A municipality participating in cooperative growth management activities may exercise its land use planning and management authority over the total land area within its jurisdiction.

**Sec. 31. 30-A MRSA §4325, sub-§2, ¶A**, as amended by PL 2001, c. 578, §14, is further amended to read:

A. On procedures for ~~joint action in~~ the preparation and adoption of comprehensive plans; ~~and on whether~~ land use regulations and other implementation measures ~~to be conducted on a multimunicipal basis~~ will be administered within a municipality or by 2 or more of the municipalities;

**Sec. 32. 30-A MRSA §4325, sub-§2, ¶C**, as amended by PL 2001, c. 578, §14, is further amended to read:

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

**Sec. 33. 30-A MRSA §4325, sub-§3**, as amended by PL 2001, c. 578, §14, is further amended to read:

**3. Requirements.** The comprehensive planning and enforcement agreement must be in writing, approved by the municipal legislative ~~bodies~~ body of each municipality and forwarded to the ~~office~~ department.

**Sec. 34. 30-A MRSA §4326**, as amended by PL 2023, c. 646, Pt. A, §§35 to 38, is further amended to read:

**§4326. Growth management program elements**

A growth management program must include at least a comprehensive plan, as described in subsections 1 to 4-A 4, and an implementation program as described in subsection 5.

**1. Inventory ~~and~~, analysis ~~and~~ needs assessment.** A comprehensive plan must include an inventory and analysis section addressing state goals under this subchapter and issues of regional or local significance that the municipality or multimunicipal region considers important. The inventory must be based on environmental systems mapping and other information provided by the State, regional councils and other relevant local sources. The analysis must include 10-year projections of local and regional ~~growth in~~ population and residential, ~~commercial and industrial~~ trends; the best available projection of trends in economic activity; the projected need for public facilities and services; and the vulnerability of and potential impacts on natural resources. The department shall adopt rules to establish a tiered framework for inventory requirements based on municipal and regional conditions. The rules must allow flexibility in the timing and quantity of data

collected so that communities may pursue a strategy of iterative rounds of public participation, data collection and data generation and require that the comprehensive plan include a map of existing conditions that identifies areas in the municipality where development would be inconsistent with the plan and areas that may be considered suitable for development. The map of existing conditions must, at a minimum, include data related to the environment, the natural resource-based economy, local or regional water supplies and natural hazards. The map is required only if the department provides data and tools that allow municipalities to produce the map at a minor cost or less.

The inventory and analysis section A comprehensive plan must include, but is not limited to: a needs assessment that identifies conditions within the municipality or multimunicipal region that are necessary to support housing, economic growth and development; protect public health, safety and welfare of the community; and protect the environment and critical resources. The plan must describe the public input received to determine those needs.

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

~~B. Significant water resources such as lakes, aquifers, estuaries, rivers and coastal areas and, when applicable, their vulnerability to degradation;~~

~~C. Significant or critical natural resources, such as wetlands, wildlife and fisheries habitats, significant plant habitats, coastal islands, sand dunes, scenic areas, shorelands, heritage coastal areas as defined under Title 5, section 3316, and unique natural areas;~~

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

~~E. Commercial forestry and agricultural land;~~

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

~~G. Existing transportation systems, including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities;~~

~~H. Residential housing stock, including housing for low-income and moderate-income households, an assessment of community needs and environmental effects of municipal regulations, an examination of the effect of excessive parking requirements that limit the reuse of upper floors of buildings in downtowns and on main streets and an identification of opportunities for accessory dwelling units;~~

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

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

~~J. Land use information describing current and projected development patterns;~~

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

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

**2. Policy development.** A comprehensive plan must include a local goals and policy development section that relates the findings contained in the inventory and analysis section to the state goals and to the local goals. The policies must:

- A. Promote the state goals under this subchapter;
- B. Address any conflicts between state goals under this subchapter;
- C. Address any conflicts between regional and local issues; ~~and~~
- D. Address the State's coastal management policies under Title 38, section 1801 if any part of the municipality or multimunicipal region is a coastal area; and
- E. Promote consistency with the State's climate action plan under Title 38, section 577.

**3. Implementation strategy.** A comprehensive plan must include an implementation strategy section that contains a timetable for the implementation program, including land use ordinances, ensuring that the goals established under this subchapter are met. These implementation strategies must be consistent with state law and guidelines for the implementation program as described in subsection 5 and must actively promote policies developed during the planning process. ~~The timetable must identify significant ordinances to be included in the implementation program.~~ The strategies and timetable must guide the subsequent adoption of policies, programs and land use ordinances, including a capital investment plan for the replacement and expansion of public facilities and services required to meet projected growth and development, and periodic review of the comprehensive plan. The department shall develop and maintain a catalog of implementation strategies appropriate for various place types.

~~**3-A. Guidelines for policy development and implementation strategies.** In developing its strategies and subsequent policies, programs and land use ordinances, each municipality or multimunicipal region shall employ the following guidelines consistent with the goals of this subchapter:~~

~~A. Except as otherwise provided in this paragraph, identify and designate geographic areas in the municipality or multimunicipal region as growth areas and rural areas, as defined in this chapter.~~

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

- ~~(a) Establish development standards;~~
- ~~(b) Establish timely permitting procedures;~~
- ~~(c) Ensure that needed public services are available; and~~
- ~~(d) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion.~~

~~(2) Within rural areas, each municipality or multimunicipal region shall adopt land use policies and ordinances to discourage incompatible development. These policies and ordinances may include, without limitation, density limits, cluster or special zoning, acquisition of land or development rights, transfer of development~~

rights pursuant to section 4328 and performance standards. The municipality or multimunicipal region should also identify which rural areas qualify as critical rural areas as defined in this chapter. Critical rural areas must receive priority consideration for proactive strategies designed to enhance rural industries, manage wildlife and fisheries habitat and preserve sensitive natural areas.

~~(3) A municipality or multimunicipal region may also designate as a transitional area any portion of land area that does not meet the definition of either a growth area or a rural area. Such an area may be appropriate for medium-density development that does not require expansion of municipal facilities and does not include significant rural resources.~~

~~(4) A municipality or multimunicipal region is not required to identify growth areas within the municipality or multimunicipal region for residential, commercial or industrial growth if it demonstrates, in accordance with rules adopted by the department pursuant to this article, that:~~

~~(a) It is not possible to accommodate future residential, commercial or industrial growth within the municipality or multimunicipal region because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations imposed by protected natural resources;~~

~~(b) The municipality or multimunicipal region has experienced minimal or no residential, commercial or industrial development over the past decade and this condition is expected to continue over the 10-year planning period;~~

~~(c) The municipality or multimunicipal region has identified as its growth areas one or more growth areas identified in a comprehensive plan adopted or to be adopted by one or more other municipalities or multimunicipal regions in accordance with an interlocal agreement adopted in accordance with chapter 115 with one or more municipalities or multimunicipal regions; or~~

~~(d) The municipality or multimunicipal region has no village or densely developed area.~~

~~(6) A municipality or multimunicipal region exercising the discretion afforded by subparagraph (4) shall review the basis for its demonstration during the periodic revisions undertaken pursuant to section 4347-A;~~

~~B. Develop a capital investment plan for financing the replacement and expansion of public facilities and services required to meet projected growth and development;~~

~~C. Protect, maintain and, when warranted, improve the water quality of each water body pursuant to Title 38, chapter 3, subchapter I, article 4-A and ensure that the water quality will be protected from long-term and cumulative increases in phosphorus from development in great pond watersheds;~~

~~D. Ensure that its land use policies and ordinances are consistent with applicable state law regarding critical natural resources. A municipality or multimunicipal region, if authorized to enact ordinances, may adopt ordinances more stringent than applicable state law;~~



~~E. Ensure the preservation of access to coastal waters necessary for commercial fishing, commercial mooring, docking and related parking facilities. Each coastal area may identify and designate one or more critical waterfront areas and implement policies to ensure protection of those areas or otherwise discourage new development that is incompatible with uses related to the marine resources industry;~~

~~F. Ensure the protection of agricultural and forest resources. Each municipality or multimunicipal region shall discourage new development that is incompatible with uses related to the agricultural and forest industries;~~

~~G. Ensure that the municipality's or multimunicipal region's land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to:~~

- ~~(1) Cluster housing;~~
- ~~(2) Reduced minimum lot and frontage sizes;~~
- ~~(3) Increased residential densities;~~
- ~~(4) Use of municipally owned land;~~
- ~~(5) Establishment of policies that:~~
  - ~~(a) Assess community needs and environmental effects of municipal regulations;~~
  - ~~(b) Lessen the effect of excessive parking requirements for buildings in downtowns and on main streets;~~
  - ~~(c) Provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;~~
  - ~~(d) Promote housing choice and economic diversity in housing; and~~
  - ~~(e) Address disparities in access to educational and occupational opportunities related to housing;~~
- ~~(6) Provisions for accessory dwelling units and greater density where such density is consistent with other laws governing health and safety;~~
- ~~(7) Promotion of housing options for older adults that address issues of special concern, including the adaptation, rehabilitation and construction of housing that helps older adults age in place with adequate transportation and accessibility to services necessary for them to do so in a safe and convenient manner; and~~
- ~~(8) Establishment of policies that affirmatively advance and implement the federal Fair Housing Act, 42 United States Code, Chapter 45;~~

~~H. Ensure that the value of historical, archeological, tribal and cultural resources is recognized and that protection is afforded to those resources that merit it;~~

~~I. Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking, and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality or multimunicipal region shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting that protection;~~

~~J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction; and~~

~~N. Notwithstanding paragraph G, ensure that in a service-center community at least 10% of the housing stock is affordable housing.~~

**3-B. Future land use plan.** A comprehensive plan must include a future land use plan as described in this subsection.

A. Except as otherwise provided in this subsection, a future land use plan must identify and designate geographic areas in the municipality or multimunicipal region as growth areas and rural areas and may include one or more growth areas identified in a comprehensive plan adopted or to be adopted by one or more other municipalities or multimunicipal regions in accordance with an interlocal agreement adopted in accordance with chapter 115 with one or more municipalities or multimunicipal regions. This information may be presented in a narrative or map form.

B. A future land use plan may designate any portion of land area that is not a growth area or a rural area as a transitional area and as appropriate for medium-density development that does not require expansion of municipal facilities and does not include significant rural resources.

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

D. A future land use plan is not required to identify growth areas within the municipality or multimunicipal region for residential, commercial or industrial growth if the municipality or multimunicipal region demonstrates, in its comprehensive plan and in accordance with rules adopted by the department pursuant to this article, that:

(1) It is not possible to accommodate future residential, commercial or industrial growth within the municipality or multimunicipal region because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations imposed by protected natural resources;

(2) The municipality or multimunicipal region has experienced minimal or no residential, commercial or industrial development over the past decade and this condition is expected to continue over the 10-year planning period; or

(3) The municipality or multimunicipal region has no downtown or densely developed area.

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

**4. Regional coordination program.** A comprehensive plan must include a regional coordination program, which must be developed with other municipalities or multimunicipal regions to manage shared resources and facilities, such as rivers, aquifers, transportation facilities and others. This program must provide for consistency with the comprehensive plans of other municipalities or multimunicipal regions for these resources and facilities.

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

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

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

**5. Implementation program.** An implementation program must be adopted that is consistent with the strategies in subsection 3-A elements of the comprehensive plan prepared pursuant to subsections 1 to 4 and this subsection. In developing its implementation program, a municipality or multimunicipal region shall employ the following guidelines consistent with the goals of this subchapter.

A. Within growth areas, a municipality or multimunicipal region shall:

- (1) Establish development standards;
- (2) Establish timely permitting procedures;
- (3) Ensure that needed public services are available; and
- (4) Prevent inappropriate development in natural hazard areas, including floodplains and areas of high erosion.

B. Within rural areas, a municipality or multimunicipal region shall adopt land use policies and ordinances to discourage incompatible development. These policies and ordinances may include, without limitation, density limits, cluster or special zoning, acquisition of land or development rights, transfer of development rights pursuant to section 4328 and performance standards. The municipality or multimunicipal region shall also identify which rural areas qualify as critical rural areas. Critical rural areas

must receive priority consideration for proactive strategies designed to enhance rural industries, manage wildlife and fisheries habitats and preserve sensitive natural areas.

**Sec. 35. 30-A MRSA §4346, 2nd ¶**, as amended by PL 2021, c. 590, Pt. A, §10, is further amended to read:

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

**Sec. 36. 30-A MRSA §4346, sub-§5**, as amended by PL 2013, c. 300, §6, is further amended to read:

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

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

G-1. Department of Health and Human Services;

H. Finance Authority of Maine; and

I. Maine State Housing Authority.

**Sec. 37. 30-A MRSA §4347-A, sub-§2, ¶B**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended to read:

B. Certification by the ~~former State Planning Office or the~~ department of a municipality's or multimunicipal region's growth management program under this article is valid for ~~40~~ 12 years. To maintain certification, a municipality or multimunicipal region shall periodically review its growth management program and submit to the department in a timely manner any revisions necessary to account for changes, including changes caused by growth and development. Certification does not lapse in any year in which the Legislature does not appropriate funds to the department for the purposes of reviewing programs for recertification.

**Sec. 38. 30-A MRSA §4347-A, sub-§3, ¶C**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended by amending subparagraph (3) to read:

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

**Sec. 39. 30-A MRSA §4347-A, sub-§3-A, ¶A**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended to read:

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

**Sec. 40. 30-A MRSA §4347-A, sub-§3-A, ¶C**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended to read:

C. Within ~~35~~ 10 business days after receiving the comprehensive plan, notify the municipality or multimunicipal region if the plan is complete for purposes of review. If the department notifies the municipality or multimunicipal region that the plan is not complete for purposes of review, the department shall indicate in its notice necessary additional data or information;

**Sec. 41. 30-A MRSA §4347-A, sub-§3-A, ¶D**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended to read:

D. Within ~~40~~ 35 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in this subchapter and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.

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

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

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

**Sec. 42. 30-A MRSA §4347-A, sub-§3-A, ¶F**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended to read:

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

**Sec. 43. 30-A MRSA §4347-A, sub-§3-A**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended by amending the first blocked paragraph to read:

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

**Sec. 44. 30-A MRSA §4347-A, sub-§3-A**, as amended by PL 2011, c. 655, Pt. JJ, §21 and affected by §41, is further amended by amending the 3rd blocked paragraph to read:

A finding by the department pursuant to paragraph D that a comprehensive plan is consistent with the procedures, goals and guidelines established in this subchapter is valid for 12 years from the date of its issuance. A finding by the ~~former State Planning Office~~ department issued pursuant to this subchapter ~~prior to December 31, 2000~~ after January 1, 2013 that a comprehensive plan is consistent with the procedures, goals and guidelines established in this subchapter is valid until December 31, ~~2012~~ 2028 or 12 years after the date of consistency determined by the department, whichever is later. For purposes of

section 4314, subsection 3 and section 4352, subsection 2, expiration of a finding of consistency pursuant to this subsection does not itself make a comprehensive plan inconsistent with the procedures, goals and guidelines established in this subchapter.

**Sec. 45. 30-A MRSA §5953-D, sub-§3, ¶D,** as amended by PL 2011, c. 655, Pt. JJ, §27 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended by amending subparagraph (2), division (a) to read:

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

**Sec. 46. State agency rules.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 4312, subsection 4, rules initially adopted by the state agency responsible for the administration of the growth management program under Title 30-A, chapter 187, subchapter 2 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. As part of the rule-making process under this section, the state agency responsible for the administration of the growth management program shall define the term "downtown."

**Sec. 47. Stakeholder group.** Prior to initiating rulemaking as required by this Act, the state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall convene a stakeholder group for the purpose of soliciting input on the development of rules necessary to implement Title 30-A, chapter 187, subchapter 2, as amended by this Act. The Joint Standing Committee on Housing and Economic Development must be notified of and invited to all meetings of the stakeholder group.

**Sec. 48. Develop guidance for public participation.** The state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall develop guidance materials describing strategies for soliciting, encouraging and incorporating public input into the development of a comprehensive plan. At a minimum, the guidance materials must include:

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

**Sec. 49. Comprehensive plan guide.** The state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall prepare a guide to assist municipalities in choosing among various approaches to comprehensive planning. A place type approach must be included as one of the options.

**Sec. 50. Technical assistance materials.** The state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall prepare technical assistance materials regarding how to use place types or similar planning tools in comprehensive planning. Persons with experience in using place types and similar planning tools in comprehensive planning must be consulted by the state agency during the process of preparing the technical assistance materials.

**Sec. 51. Planning tools partnering.** The state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall partner with at least 3 communities that use place types or similar planning tools to acquire information on how these tools can be used in communities of varying sizes, geographies and resources.

**Sec. 52. Progress report.** By January 15, 2026, the state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 shall provide an interim report on progress implementing this Act to the Joint Standing Committee on Housing and Economic Development. The committee is authorized to introduce legislation based on the report to the Second Regular Session of the 132nd Legislature.

**Sec. 53. Application.** This Act does not apply to a comprehensive plan under the Maine Revised Statutes, Title 30-A, chapter 187 that is submitted to the state agency responsible for the administration of the growth management program under Title 30-A, chapter 187, subchapter 2 for a consistency review within 24 months after the final adoption of rules necessary to implement the provisions of this Act unless the relevant municipality or multimunicipal region specifically requests that this Act be applied to that municipality's or multimunicipal region's submission and the state agency authorizes that application.