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Date: (Filing No. H- )

**HOUSING AND ECONOMIC DEVELOPMENT**

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

COMMITTEE AMENDMENT “ ” to H.P. 1299, L.D. 1940, “An Act to Revise 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**Sec. 1. 30-A MRSA §4301, sub-§1**, as corrected by RR 2017, c. 1, §22, is repealed and the following enacted in its place: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:

F. 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

G. 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-§12-A** is enacted to read:

**12-A. Placetype.** "Placetype" means a definable geographic settlement pattern identifiable by the type of activities that occur there and by a set of characteristics related

**COMMITTEE AMENDMENT**

1 to its location, including the proximity and relationship to natural resources and rural areas;  
2 the size of the developed area; the arrangement of buildings and their uses; the pattern and  
3 arrangement of streets; the type of infrastructure available; and the presence of civic spaces  
4 and civic buildings.

5 **Sec. 4. 30-A MRSA §4301, sub-§14-B**, as amended by PL 2021, c. 590, Pt. A, §5,  
6 is further amended to read:

7 **14-B. Rural area.** "Rural area" means a geographic area that is identified and  
8 designated in a municipality's or multimunicipal region's comprehensive plan as an area  
9 that is deserving of some level of regulatory protection from unrestricted development for  
10 purposes that may include, but are not limited to, supporting farmland and agriculture,  
11 forest land and forestry, mineral resources and mining, open space, erosion mitigation,  
12 water retention, wildlife habitat, fisheries habitat, natural resources, open land and scenic  
13 lands, and away from which most development projected over 10 years is diverted.'

14 Amend the bill by striking out all of sections 2 and 3 and inserting the following:

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

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

20 **Sec. 3. 30-A MRSA §4312, sub-§2, ¶I**, as enacted by PL 2001, c. 578, §8, is  
21 amended to read:

22 I. Encourage the development and implementation of multimunicipal growth  
23 management programs; and

24 **Sec. 4. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

25 J. Encourage cooperation between municipalities and state agencies, regional councils  
26 established under chapter 119, subchapter 1 and nonprofit organizations when a  
27 municipality develops its comprehensive plans and establishes local land use policies.'

28 Amend the bill in section 4 in subsection 3 by striking out all of paragraph A-1 (page  
29 7, lines 20 to 24 in L.D.) and inserting the following:

30 'A-1. To encourage orderly growth and development in areas of each community and  
31 region while protecting the State's rural character, working lands and natural resource-  
32 based industries and preventing development sprawl and sprawl-associated impacts on  
33 public health, safety and welfare;'

34 Amend the bill in section 4 in subsection 3 in paragraph H in the 2nd line (page 8, line  
35 8 in L.D.) by striking out the following: "forest soils,"

36 Amend the bill by striking out all of sections 6, 7 and 8.

37 Amend the bill in section 9 in subsection 3 in the 4th line (page 9, line 8 in L.D.) by  
38 striking out the following: "~~and,~~" and inserting the following: 'and'

39 Amend the bill in section 9 in subsection 3 in the 4th line (page 9, line 8 in L.D.) by  
40 striking out the following: "and incorporating"

1 Amend the bill in section 10 in paragraph B in the 4th line (page 9, line 22 in L.D.) by  
2 inserting after the following: "website" the following: ', if the municipality maintains such  
3 a website.'

4 Amend the bill in section 11 in §4325 in subsection 1 in the first 2 lines (page 9, lines  
5 33 and 34 in L.D.) by striking out the following: "participating in cooperative growth  
6 management efforts"

7 Amend the bill in section 11 in §4325 in subsection 2 in paragraph A in the 3rd line  
8 (page 9, line 42 in L.D.) by inserting after the following: "or" the following: 'jointly'

9 Amend the bill by striking out all of section 13 and inserting the following:

10 '**Sec. 13. 30-A MRSA §4326-A** is enacted to read:

11 **§4326-A. Growth management program elements**

12 A growth management program must include at least a comprehensive plan, as  
13 described in subsections 1 to 6.

14 **1. Inventory and analysis and needs assessment.** A comprehensive plan must  
15 include an inventory and analysis section addressing state goals under this subchapter and  
16 issues of regional or local significance that the municipality or multimunicipal region  
17 considers important. The inventory must be based on information provided by the State,  
18 regional councils and other relevant local sources. The analysis must include 10-year  
19 projections of local and regional population and residential trends, the best available  
20 projection of trends in economic activity, the projected need for public facilities and  
21 services and the vulnerability of and potential impacts on natural resources. The  
22 department shall adopt rules to establish a tiered framework for inventory requirements  
23 based on municipal and regional conditions.

24 A comprehensive plan must include a needs assessment that identifies existing conditions  
25 or desired conditions within the municipality or multimunicipal region that are necessary  
26 to support housing, economic growth and development; protect the public health, safety  
27 and welfare of the community; and protect the environment and critical natural resources.  
28 The plan must describe the public input received to determine those needs.

29 **2. Local goals and policy development.** A comprehensive plan must include a local  
30 goals and policy development section that relates the needs assessment contained in the  
31 inventory and analysis section under subsection 1 to the state goals. The policies must:

32 A. Promote the state goals under this subchapter;

33 B. Address any conflicts between state goals and local goals under this subchapter;

34 C. Address any conflicts between regional and local issues;

35 D. Address the State's coastal management policies under Title 38, section 1801 if any  
36 part of the municipality or multimunicipal region is a coastal area; and

37 E. Promote consistency with the State's climate action plan under Title 38, section 577.

38 **3. Implementation strategies.** A comprehensive plan must include an  
39 implementation strategies section that contains a timetable for the implementation program  
40 described in subsection 6, including land use ordinances, ensuring that the goals established  
41 under this subchapter are met. These implementation strategies must be consistent with  
42 state law and guidelines for the implementation program and must actively promote

1 policies developed during the planning process. The strategies and timetable must guide  
2 the subsequent adoption of policies, programs and land use ordinances and periodic review  
3 of the comprehensive plan, including a capital investment plan for the replacement and  
4 expansion of public facilities and services required to meet projected growth and  
5 development.

6 **4. Future land use plan.** A comprehensive plan must include a future land use plan  
7 as described in this subsection.

8 A. Except as otherwise provided in this subsection, a future land use plan must identify  
9 and designate geographic areas in the municipality or multimunicipal region as growth  
10 areas and rural areas. This information may be presented in a narrative or map form.

11 B. A municipality or multimunicipal region may also designate any portion of land  
12 area that is not a growth area or a rural area as a transitional area and as appropriate for  
13 medium-density development that does not require expansion of municipal facilities  
14 and does not include significant rural resources.

15 C. The department shall develop and maintain a catalog of implementation strategies  
16 appropriate for various placetypes. Within the future land use plan, more placetypes  
17 may be identified and designated to provide further guidance on the establishment or  
18 modification of a municipality's or multimunicipal region's rate of growth ordinance,  
19 zoning ordinance or impact fee ordinance.

20 D. A municipality or multimunicipal region is not required to identify growth areas  
21 within the municipality or multimunicipal region for residential, commercial or  
22 industrial growth if it demonstrates, in accordance with rules adopted by the  
23 department pursuant to this article, that:

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

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

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

34 E. A municipality or multimunicipal region may identify as its growth areas one or  
35 more growth areas identified in a comprehensive plan adopted or to be adopted by one  
36 or more other municipalities or multimunicipal regions in accordance with an interlocal  
37 agreement adopted in accordance with chapter 115 with one or more municipalities or  
38 multimunicipal regions.

39 F. A municipality or multimunicipal region exercising the discretion afforded by  
40 paragraph D shall review the basis for its assertion during the periodic revisions  
41 undertaken pursuant to section 4347-A.

42 **5. Regional coordination program.** A comprehensive plan must include a regional  
43 coordination program, which must be developed with other municipalities or

1 multimunicipal regions to manage shared resources and facilities, such as rivers, aquifers,  
2 transportation facilities and others. This program must provide for consistency with the  
3 comprehensive plans of other municipalities or multimunicipal regions for these resources  
4 and facilities.

5 **6. Implementation program.** An implementation program must be adopted that is  
6 consistent with the strategies in the comprehensive plan prepared pursuant to this section.  
7 In developing its implementation program, a municipality or multimunicipal region shall  
8 employ the following guidelines consistent with the goals of this subchapter.

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

10 (1) Establish development standards;

11 (2) Establish timely permitting procedures;

12 (3) Ensure that needed public services are available; and

13 (4) Prevent inappropriate development in natural hazard areas, including  
14 floodplains and areas of high erosion.

15 B. Within rural areas, a municipality or multimunicipal region shall adopt land use  
16 policies and ordinances to discourage incompatible development. These policies and  
17 ordinances may include, without limitation, density limits, cluster or special zoning,  
18 acquisition of land or development rights, transfer of development rights pursuant to  
19 section 4328 and performance standards. The municipality or multimunicipal region  
20 shall also identify which rural areas qualify as critical rural areas. Critical rural areas  
21 must receive priority consideration for proactive strategies designed to enhance rural  
22 industries, manage wildlife and fisheries habitats and preserve sensitive natural areas.'

23 Amend the bill in section 16 in subsection 5 in the 7th line (page 13, line 26 in L.D.)  
24 by inserting after the following: "information" the following: 'system data and maps'

25 Amend the bill by striking out all of sections 24 and 25 and inserting the following:

26 '**Sec. 24. Rules; guidance.** The Maine Office of Community Affairs, established in  
27 the Maine Revised Statutes, Title 5, section 3202, shall amend or adopt rules governing the  
28 growth management program to be consistent with the laws governing the program as  
29 amended by this Act. Notwithstanding Title 30-A, section 4312, subsection 4, rules initially  
30 amended or adopted by the Maine Office of Community Affairs pursuant to this section  
31 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The Maine  
32 Office of Community Affairs shall adopt guidance to assist municipalities and  
33 multimunicipal regions on comprehensive plans, including guidance on placetypes.

34 **Sec. 25. Stakeholder group.** Prior to initiating rulemaking as required by this Act,  
35 the Director of the Maine Office of Community Affairs, or the director's designee, shall  
36 convene a stakeholder group for the purpose of soliciting input on the development of rules  
37 necessary to implement the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2,  
38 as amended by this Act. The Joint Standing Committee on Housing and Economic  
39 Development must be notified of and invited to all meetings of the stakeholder group.'

40 Amend the bill by striking out all of section 27 and inserting the following:

41 '**Sec. 27. Application.** This Act does not apply to a comprehensive plan submitted  
42 for consistency review or growth management program submitted for certification under

1 the Maine Revised Statutes, Title 30-A, chapter 187 before the final adoption of rules  
2 necessary to implement Title 30-A, chapter 187, subchapter 2 as required by this Act.'

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

### 5 SUMMARY

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

8 1. It amends the definitions of "affordable housing," "cluster development" and "rural  
9 area."

10 2. It adds a definition for "placetype."

11 3. It adds a new state goal to encourage orderly growth and development while  
12 protecting the State's rural character and industries and preventing development sprawl.

13 4. It replaces the method for a municipality or multimunicipal region to develop a  
14 growth management program.

15 5. It removes the requirement that the Maine Office of Community Affairs adopt rules  
16 that describe specific placetype descriptions governing the growth management program.

17 6. It requires that only the rules initially adopted by the Maine Office of Community  
18 Affairs to implement this legislation are major substantive rules.

19 7. It removes the requirement that the Maine Office of Community Affairs include  
20 specific representatives in the stakeholder group required in this legislation.

21 8. It adds the requirement that the Maine Office of Community Affairs notify and  
22 invite the Joint Standing Committee on Housing and Economic Development to  
23 stakeholder meetings.

### 24 FISCAL NOTE REQUIRED

25 (See attached)