

# **L.D. 1934, Resolve, to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine**

## **Report to the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs From the Governor's Office of Policy Innovation and the Future December 6, 2023**

### **Introduction and Summary**

- *Maine communities are facing complex challenges, and many lack local planning and implementation capacity to address them. To access technical assistance, planning support, and funding opportunities from the state, communities must currently navigate a variety of programs managed across several agencies.*
- *Maine communities feel strongly that reorganizing existing state programs under a new standalone office would more effectively provide the robust planning support, technical assistance, and funding opportunities they need and ensure coordinated and coherent communication.*
- *The complexity of housing, land use, resiliency and other challenges facing communities demands greater coordination across state agencies to maximize unprecedented federal funding opportunities that now exist.*
- *This proposed office would work in partnership with communities and regional organizations to navigate these complex challenges and pursue comprehensive solutions that benefit Maine's people, economy, and environment.*

Across Maine, communities (including towns, cities and Tribal Governments) are contending with increasingly complex challenges, from a chronic housing shortage, to demands from population growth, to increasing impacts from climate effects like extreme storms, flooding, and rising sea levels. If not addressed, these factors are expected to worsen in the years ahead, posing significant risks to Maine's people, economy, and environment.

At the same time, an unprecedented amount of Federal support now exists to support communities to address these long-term challenges. Through the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) alone, Maine stands to invest billions into our communities to build and repair infrastructure, improve resilience to climate effects, and

address other investment needs to improve the quality of life for their residents and grow their local economies and workforce. However, to unlock the opportunities presented by these competitive federal programs, communities in Maine are restricted by a lack of local capacity to pursue these important infrastructure investment projects. This is especially acute in smaller, rural communities, which are, most often, the communities most vulnerable to harm and most in need of investment.

This lack of capacity, expertise, and funding are consistently cited by municipalities and Tribal Governments as reasons why they are not able to address their infrastructure challenges, proactive planning initiatives, and climate risks. Maine’s communities have highly uneven access to resources across the state to support proactive planning (see Figure 1 attached at the end of this report).

Prior to 2012, the former State Planning Office (SPO) served as a central entity for administering financial and technical assistance programs to help support planning for Maine’s communities. When it was eliminated, many SPO programs ended or were significantly reduced, while others were moved to several different state agencies.

While many of these programs are managed well today, the complexity and interlocking nature of challenges facing communities, as well as the planning, expertise, and funding needed to address them, demands an increased level of coordination across these agencies to be most effective and efficient.

Communities and regional organizations in Maine have identified an urgent need for the state to work in partnership with them to solve these complex challenges, to support the delivery of robust planning and technical assistance, to ensure resources are coordinated and across agencies, and that interactions with municipalities and Tribal Governments are coherent and consistent with state policy goals.

The challenge of navigating programs across multiple agencies was highlighted by the Maine Municipal Association’s testimony on a related bill (LD 446 in the 130<sup>th</sup> Legislature):

*“Municipal officials spend tremendous amounts of often unpaid time trying to meet the obligations on the ground and would benefit from both a single point source for data but also cross-municipal collaboration between and inside departments at the state level.”*

Stronger coordination of planning technical assistance and funding to communities in Maine would reduce the burden on those seeking support for local priorities and goals, as well as support improved outcomes, especially in areas like housing or resilience planning.

Coordination of grant and technical assistance programs would also improve community access to planning for shovel-ready projects, to ensure communities are ready when federal funds are available for infrastructure investments, such as for transportation, broadband and technology, energy and building efficiency, climate resilience, and environmental protection.

To accomplish this, this report recommends a thoughtful reorganization of existing state programs and resources into a standalone office of state government. The office will support communities and regional organizations to navigate and access planning technical assistance and funding opportunities, with particular attention to needs of under-resourced communities.

The office will more effectively accomplish internal coordination, improving collaboration among state agencies supporting Maine’s municipalities and Tribal Governments and reducing silos that often confuse and frustrate community leaders.

Lastly, the office will align the state’s valuable resources for communities and regional organizations to support state policy goals.

## **L.D. 1934 Approach, Process, and Findings**

[L.D. 1934 Resolve, to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine](#) was passed by the Maine Legislature and signed into law by Governor Janet Mills in June 2023. The Resolve directs the Governor’s Office of Policy Innovation and the Future (GOPIF) to review opportunities and structural changes in the organization of state government and make recommendations to the Governor and Legislature that will result in the improved coordination and implementation of planning grants and technical assistance programs for communities, regional planning and development organizations.

GOPIF is required to submit a report including proposed legislation and financial and staffing implications with regard to its review and consultation to the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs by December 6, 2023. This report fulfills that requirement.

Over the past several months, GOPIF has, in consultation with stakeholders, considered and reviewed the planning and technical assistance needs of Maine communities, especially the smallest and most under-resourced communities, and the state programs that currently exist, as well as the mechanisms to support municipalities, Tribal Governments, and regional planning and development organizations. GOPIF did this work in collaboration with state agency leaders and staff, dozens of focus groups and interviews with a diverse range of stakeholders, including representatives of municipalities and regional planning and development organizations, to provide input about their needs and offer their recommendations.

We wish to thank Samantha Horn, from Braided Planet Consulting, LLC, who assisted GOPIF with interviews and focus groups; the Maine Municipal Association, the Regional Councils, the Maine Association of Planners, and other organizations who helped to convene stakeholder discussions; and the state agency staff, municipal and Tribal Government representatives and individuals who took the time to share their concerns, ideas and recommendations.

The overall message from the many stakeholders who provided feedback during this process is the number and volume of grant and technical assistance functions provided by state government has grown substantially in recent years, while the system for coordinating and delivering those services remains severely limited since the elimination of the State Planning Office in 2012.

In this moment of significant federal funding, Maine has the potential to unlock funds for more priority projects by supporting communities with the capacity and technical assistance they need to develop and propose projects, and by streamlining state grant processes that can be used to leverage federal funds. Yet communities, especially those with limited staff capacity, said they often do not know where to go for answers to different questions and need help navigating state government programs. They described the current system creating unnecessary duplication and inefficiency, despite best efforts of hard-working staff.

The need for a clearer entry point for communities, or even a “one-stop” for core planning functions, was raised by many community and regional organization stakeholders.

Specific themes from the interviews and focus groups include:

- 1) Accessing expertise and assistance:** Communities often find it hard to understand which state agencies, grant programs, and staff, to ask about issues they are trying to resolve. This can lead to inefficiencies, wasted time and redundancy. They requested clear direction about how to get to the right program and/or contact.

State agency staff find that sometimes agencies give conflicting or duplicative information because they don't know which other agencies are working with the same community. It frustrates them because they want to give communities the best service they can. Many community projects and planning processes intersect with multiple state agencies. State agencies also recognized the need for increased awareness and mutual support for other programs priorities. When programs are not aware of, or not reinforcing the requirements of other programs, it erodes the public policy goals.

In addition, most stakeholders indicated that solutions and programs need to meet communities where they are. Outreach and technical assistance must flex to provide higher complexity information to communities with greater capacity, while providing very accessible, targeted information for all-volunteer or low-resource communities. Some state agency staff indicated that there is a real opportunity to be proactive with tailored technical advice and support for communities.

*“A lack of coordination between departments makes it difficult for communities to know what kind of assistance might be available and how to access it. Right now, there are communities that believe there is no longer a state municipal planning assistance program, or that the state’s only role is to force comprehensive plan updates. Too often,*

*these updates are formulaic and routine, with little creative input from municipal leaders and citizens. Teaming with regional planning staff, where available, to reintroduce the state's ability to assist might prove most effective...if in fact the state's program is willing and able to consistently deliver.” – Quote from a non-profit service provider in the state's Community Resilience Partnership program*

- 2) Coordinating Grants and Grant Information:** There is a large, and increasing, number of state grants and federal pass-through grants available to support community planning and projects. Examples include significant formula and discretionary funds available for transportation and other infrastructure projects through the federal Department of Transportation, for resilience and environmental protection through the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, for housing through the Department of Housing and Urban Development, and for energy and energy efficiency through the U.S. Department of Energy.

Maine communities need technical assistance to identify, prioritize, and implement projects in a sustained way throughout application development, submission, and management. To effectively take advantage of large grant opportunities and provide timely grant information, state staff need ongoing awareness of significant projects under consideration in communities and the communities' greatest needs. A combined office will allow state programs to have improved visibility of local and regional needs, increasing the opportunities for state grants funds to be used for pre-development phases of work that lead to larger federal grant applications, and to provide local matching or leveraging funds.

Many focus group participants suggested that an online grants database/portal, searchable by problem or issue, will help communities find and access the most appropriate funding sources for their planning and infrastructure needs. It was noted that funding additional capacity to assist with grant application and administration in low-resource communities can substantially increase equity and improve the local outcomes of grant-funded projects.

- 3) Regional Planning Organizations Need Adequate Baseline Funding:** Most stakeholders agreed that the [Regional Councils](#) (i.e. Regional Planning Commissions, Councils of Governments), which provide general planning assistance to municipalities, deliver key services to Maine's 451 organized municipalities and have not been adequately funded in recent years. In particular, some of the state's most rural regions lack a dedicated planning organization and many of the most rural areas have the least resourced Regional Councils. Planning at a regional level can create efficiencies by reducing each community's need to generate information that is common across multiple communities, especially in a regional context. Reliable technical assistance at the regional level can reduce re-solving the same problems multiple times across hundreds of communities and allow for the more efficient use of resources.

*“Regional planning organizations are a logical intermediary between communities and the state. They are positioned to have detailed and nuanced understanding of individual community strengths and weaknesses and the ability to see how those strengths and weaknesses play out across their geographic service area. However, historical funding levels for regional planning organizations makes it almost impossible for them to supply a consistent and meaningful level of support to all the communities within their region, not just dues paying member communities. Differences between regional planning organizations translates into differences in the quality of assistance available to communities across the state.”* – Quote from project focus group participant

**4) Off the Shelf Tools are Needed Today and Into the Future:** Model ordinances, regional or statewide issue studies, and guidance are invaluable to communities and create tremendous efficiency on essential planning issues. Currently, municipal and regional planners, as well as nonprofit and consulting professionals who assist communities feel that the past reduction in staffing, particularly at the State’s Municipal Planning Assistance Program (MPAP), has reduced the availability of quality off-the-shelf planning tools and guides. These planning tools can save taxpayers money at the local level and reduce the inefficiency of every community having to reinvent the wheel to generate a new ordinance or solve a particular local planning challenge. Many believe that these tools can be critical, which emphasized the need to adequately staff and fund this function at the state level. The Bureau of Resource Information and Land Use Planning, where MPAP is located, received state funding for limited-period positions to improve planning resources, GIS mapping capacity, and the ability to support and track development, especially to address the housing crisis. It is likely that many of those functions will need to be performed on an ongoing basis, requiring adequate staffing for the long-term.

## **Recommendation to Reorganize State Programs into One Office to Support Community Planning**

The proposed state office will reorganize existing programs to provide coordinated and efficient technical assistance and funding in partnership with communities across Maine to support them as they navigate increasingly complex challenges. Working closely with state agencies, the new office could be largely accomplished utilizing current staff and with accompanying current state and federal resources. Programs would be reorganized into one new standalone office, and current leadership and staffing would be retained. In addition, program statutes would follow to become the responsibility of the office.

The following programs would be reorganized into one office of state government, in three areas: land use planning, climate resilience, and housing planning.

### **Land Use Planning**

- a. **[Municipal Planning Assistance Program](#)** (MPAP - currently located in the Department of Agriculture, Conservation and Forestry) provides land use

planning expertise for municipalities and regional planning organizations, including technical assistance in the areas of comprehensive planning, zoning, data collection, farmland preservation, affordable housing, smart growth, brownfields, capital improvements, land conservation, and climate change resiliency.

- b. [Land Use Planning Commission](#) (LUPC – currently located at the Department of Conservation, Agriculture and Forestry) serves as the planning and zoning authority for the unorganized and de-organized areas of the State, including townships and plantations, that either have no local government or have chosen not to administer land use controls at the local level. The LUPC issues permits for smaller development projects, such as home constructions and camp renovations, and certifies that larger development projects comply with applicable LUPC land use standards.

### Climate Resilience

- a. [Community Resilience Partnership](#) (CRP- located in the Governor’s Office of Policy Innovation and the Future) helps Maine communities with local climate action plans to become more resilient against climate change and reduce greenhouse gas emissions. The program provides direct funding to towns and cities for local projects, as well as grants to planning, economic development and community organizations to support towns and Tribal Governments in starting or advancing local and regional climate resilience plans. Greater support for energy issues, siting, and creative municipal energy projects are also an area of focus.
- b. [Maine Coastal Program](#) (MCP - located in the Department of Marine Resources) provides grants and technical assistance to 145 coastal municipalities, as well as to their regional organizations. Areas of focus include harbor infrastructure and marine-related economic development, public access, water quality improvement, storm hazard resiliency, restoring tidal habitat, and coastal science.
- c. [Coastal Community Grant Program](#) (currently administered by the Department of Agriculture, Conservation and Forestry's Municipal Planning Assistance Program [MPAP]) offers competitive grants for projects in Maine's coastal zone with a focus on the priority coastal issues, as identified by the Maine Coastal Program and the Maine Climate Council's *Maine Won't Wait: A Four-Year Plan for Climate Action*, including Building Community Resiliency to Adapt to a Changing Climate, Planning for Green Infrastructure, Preparing for Flooding, Sea Level Rise, Coastal Storms and Storm Surge, Shoreline Erosion, and Land Use Activity Impacts to Water Quality.
- d. [Maine Floodplain Program](#) (located in the located in the Department of Agriculture, Conservation and Forestry) works with communities to reduce the

risk of flooding through technical assistance, mapping and model ordinances, and coordinates the National Flood Insurance Program in Maine.

- e. [Volunteer Maine](#) (an independent state office connected to the Department of Education) also called the Maine Commission for Community Service and supports a stronger Maine through volunteerism. Its programs include the state's AmeriCorps programs and the new Maine Climate Corps, a volunteering and service strategy to meet the ambitious goals in *Maine Won't Wait*. Volunteer Maine is currently studying the possibility of moving staffing and administrative services for the Maine Commission for Community Service to the office of the Secretary of State, as directed by L.D. 1260; that report will be delivered by December 6, 2023.

### **Housing Planning**

- a. The [Housing Opportunity Program](#) (HOP- currently at the Department of Community and Economic Development) supports municipal planning to support the development of housing in Maine's communities with zoning, as directed by LD 2003, including technical assistance and grants to communities and regional service providers.
- b. [Code Enforcement Program](#) includes the Maine Uniform Building and Energy Code (MUBEC) and the Technical Building Code and Standards Board and is currently located at the Office of the State Fire Marshall, considers and adopts state-wide building codes, and trains and certifies municipal code enforcement officers to administer and enforce local and state land use and building ordinances. The Commissioner of Public Safety is currently examining the responsibilities, fees and duties of the Technical Building Codes and Standards Board, as directed by L.D. 207; that report will be delivered by February 15, 2024.

### **Improved Community Coordination Across All State Agencies**

Improved ongoing coordination across other state programs that intersect with community and regional planning across state agencies should be a major focus of the reorganized office. That coordination should include support for enhanced and clear communications with municipal and Tribal Governments and regional organizations, including an increased focus on ensuring state and federal resources benefit communities across the state, especially disadvantaged communities with the least capacity.

In addition to the programs suggested for reorganization into the office, other state programs that provide relevant services to communities will remain in other agencies, with critical

emphasis made to increase coordination across agencies and program staff. These programs include, but are not limited to:

- Maine Emergency Management Programs for communities and regional governments
- State Infrastructure Adaptation Fund and the Municipal Culvert Program (DOT)
- Local Roads Program and Municipal Partnership Initiative (DOT)
- DEP Land & Water Programs, including but not limited to Shoreland Zoning (DEP)
- Municipal Waste Programs (DEP)
- Community Development Block Grant Program (DECD)
- Municipal Tax Increment Financing & Brownfield Revolving Loan Fund (DECD)
- Wastewater, Stormwater, and Drinking Water grant programs (DEP & DHHS/CDC)
- Beginning with Habitat (IFW) and the Maine Natural Areas Program (DACF)
- Maine Geological Survey (DACF)
- Maine Historic Preservation Commission (independent agency of state government)
- Maine Redevelopment Land Bank Authority (independent agency of state authority)
- Governor's Energy Office (GEO) and the Efficiency Maine Trust (EMT) municipal building clean energy, energy planning, and energy efficiency programs.

In addition to improved coordination for communities across state agencies, a robust network of support for communities must also include the regional delivery of technical assistance services. An important component of the new office will be continued and improved coordination and partnership with the state's network of Regional Councils, that deliver technical assistance on behalf of and under contract with several state agencies. The office will, over time, seek to consolidate multiple contracts Regional Councils now have with several state agencies into single state-level contracts with each Regional Council to cover multiple issues and projects, like housing, climate resilience, and broader general planning.

Significant federal funds are currently available to support infrastructure investments, including in transportation, broadband and technology, clean energy and building efficiency, and resilience and environmental protection. Many of the federal formula funds are flowing through state agencies, and state agencies can help coordinate and support competitive applications that include funding for communities. The Regional Councils can be valuable partners to communities in pursuing both state and federal grant opportunities currently available, including prioritizing and developing projects, identifying appropriate federal funding opportunities, and applying for and administering federal grants.

In addition to coordinating funding for grants support as part of the consolidated contacts with the Regional Councils, the office should develop a new online grants portal so that municipalities, Tribal Governments, and state agency staff can easily search for relevant funding by topic.

## Conclusion

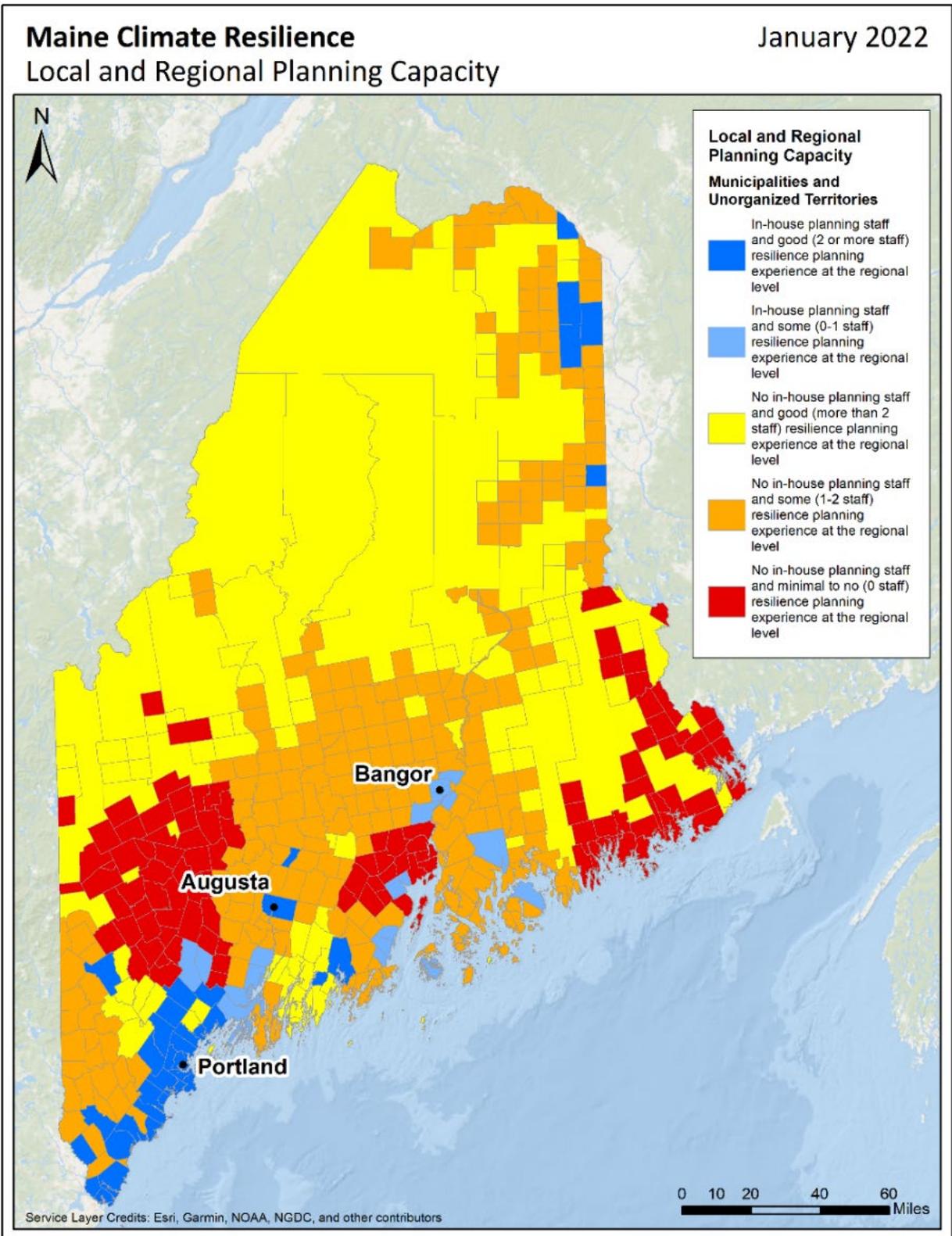
Communities in Maine are facing unprecedented challenges. Population growth and land-use trends, an unprecedented lack of housing supply, and climate change disruptions, among other issues, are increasing the importance and urgency for improved long-term planning at the state and community levels.

At the same time, significant federal funding presents a once-in-a-generation opportunity for infrastructure investment across the state of Maine.

There is an urgent need for robust and coordinated state technical assistance and funding to Maine municipalities and Tribal Governments. By bringing together key state planning programs that communities and regional organizations interact with into one single entity, the new office will make it easier for communities to navigate and access planning technical assistance and grants, especially the smallest and most under-resourced. It will improve collaboration among agencies supporting Maine's municipalities and Tribal Governments, reduce the current silos that often confuse and frustrate community leaders, and better align the state's valuable resources for communities and regional organizations in support of state policy goals.

The proposed reorganization, as outlined in this report, will align existing state government programs and resources to be more effective in providing planning support, technical assistance, and related funding to communities across Maine. The ultimate outcome of this work will be that Maine's communities are more prepared to effectively manage increasingly complex challenges and make the most of once-in-a-generation federal funding opportunities.

Figure 1: Municipal Resilience Planning Capacity, from *Maine Won't Wait*, the state's climate action plan



## **Appendix A: New Office Mission Statement and Recommended Legislative Language Overview**

### Mission Statement

The office is created to provide coordinated and efficient planning technical assistance and funding in partnership with communities across Maine to support them as they navigate increasingly complex challenges.

### Programs to be Included

Working closely with state agencies, the new office could be largely accomplished utilizing current staff and accompanying current state and federal resources. Programs would be reorganized into one new office, and current program leadership and staffing would be retained.

The following programs, including existing current staff and accompanying state and federal budget resources and all statutory authority, would be under the leadership and authority of one office of state government, organized in three areas: land use planning, climate resilience, and housing planning.

- Community Resilience Partnership  
[Title 5, §3109: Community Resilience Partnership Program \(maine.gov\)](#)
- Maine Coastal Program including the Coastal Community and Shore and Harbor Planning Grant Programs  
[Title 12, §6052: Specific department activities \(maine.gov\)](#)
- Maine Floodplain Program  
[Title 12, §408: Floodplain management \(maine.gov\)](#)
- Municipal Planning Assistance Program  
[Title 30-A, §4345: Purpose; department to administer program \(mainelegislature.org\)](#)
- Land Use Planning Commission  
[Title 12, §683-A: Creation of Maine Land Use Planning Commission \(mainelegislature.org\)](#)
- Housing Opportunity Program  
[Title 5, §13056-J: Housing Opportunity Program \(maine.gov\)](#)

- Code Enforcement Program  
[Title 30-A, §4451: Training and certification for code enforcement officers \(maine.gov\)](#)
- Maine Commission for Community Service (Volunteer Maine)  
[Title 5, §7501: Commission established \(maine.gov\)](#)

### Duties

The office shall:

- Provide technical assistance and resources to municipalities and Tribal Governments on issues related to planning and development.
- Collect and collate data and statistics relating to these matters and provide them to municipalities and Tribal Governments.
- Assist municipalities and Tribal Governments in applying for, using and leveraging state and federal funding resources on issues of importance to the state.
- Administer contracts with the state’s Regional Councils and Economic Development Districts to provide technical assistance and resources to communities on issues related to planning, including but not limited to land use planning, planning for housing and other residential development, climate resilience planning and related infrastructure planning, and other forms of local development to support state and local goals.
- Make grants from money appropriated to the program by the Legislature and any funds received by the office for the purposes of the program, including federal funding or private funds; and solicit applications for grants and make grant awards to eligible communities and to service provider organizations as determined by the office, including establishing eligibility requirements and other criteria to consider in awarding grants.
- Consult with relevant state agencies on issues related to providing planning technical assistance and funding to communities in Maine, including the Department of Transportation, Department of Environmental Protection, Department of Marine Resources, Department of Inland Fisheries and Wildlife, Department of Agriculture, Conservation and Forestry, Department of Economic and Community Development, Department of Health and Human Services, Maine Emergency Management Agency, Governor’s Energy Office, Efficiency Maine Trust, Maine Historic Preservation Commission, and the Maine Redevelopment Land Bank Authority.
- The office may accept, administer, and expend funds, including but not limited to state and federal government funds, as well as grants from private sources, for purposes consistent with this chapter.

## Appendix B: New Office Proposed Organizational Chart

