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H.P. 1169

House of Representatives, April 22, 2025

An Act to Improve the Growth Management Program Laws

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROBERTS of South Berwick.

Cosponsored by Representatives: COLLAMORE of Pittsfield, EATON of Deer Isle, HEPLER of Woolwich, MASTRACCIO of Sanford, SALISBURY of Westbrook, Senators: BENNETT of Oxford, BRADSTREET of Kennebec, GROHOSKI of Hancock.

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

2 **Sec. 1. 30-A MRSA §4301, sub-§1**, as corrected by RR 2017, c. 1, §22, is amended
3 to read:

4 **1. Affordable housing.** "~~Affordable housing~~" ~~means a decent, safe and sanitary~~
5 ~~dwelling, apartment or other living accommodation for a household whose income does~~
6 ~~not exceed 80% of the median income for the area as defined by the United States~~
7 ~~Department of Housing and Urban Development under the United States Housing Act of~~
8 ~~1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended~~ has the same meaning as in
9 section 5246, subsection 1.

10 **Sec. 2. 30-A MRSA §4301, sub-§3**, as enacted by PL 1989, c. 104, Pt. A, §45 and
11 Pt. C, §10 and amended by c. 562, §1, is further amended to read:

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

16 **Sec. 3. 30-A MRSA §4301, sub-§4-B**, as enacted by PL 2001, c. 578, §2, is
17 repealed.

18 **Sec. 4. 30-A MRSA §4301, sub-§5-B, ¶C**, as enacted by PL 1999, c. 776, §7, is
19 amended to read:

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

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

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

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

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

30 **Sec. 7. 30-A MRSA §4301, sub-§5-B, ¶F** is enacted to read:

31 F. Development of mixed-use housing projects; and

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

33 G. Bicycle and pedestrian infrastructure.

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

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

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

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

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

7 **12-A. Place type.** "Place type" means the classification of land for designating or
8 mapping distinct areas by design, use, resource characteristics or regional context.

9 **Sec. 12. 30-A MRSA §4312, sub-§2, ¶I**, as enacted by PL 2001, c. 578, §8, is
10 repealed.

11 **Sec. 13. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

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

15 **Sec. 14. 30-A MRSA §4312, sub-§3, ¶B**, as enacted by PL 1989, c. 104, Pt. A,
16 §45 and Pt. C, §10, is amended to read:

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

20 **Sec. 15. 30-A MRSA §4312, sub-§3, ¶D**, as amended by PL 2021, c. 657, §1, is
21 further amended to read:

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

26 **Sec. 16. 30-A MRSA §4312, sub-§3, ¶D-1** is enacted to read:

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

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

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

33 **Sec. 18. 30-A MRSA §4312, sub-§3, ¶G**, as enacted by PL 1989, c. 104, Pt. A,
34 §45 and Pt. C, §10, is amended to read:

35 G. To protect the State's marine resources industry, ports and harbors from
36 incompatible development and to promote access to the shore for commercial
37 ~~fishermen~~ fisheries and the public;

38 **Sec. 19. 30-A MRSA §4312, sub-§3, ¶L**, as amended by PL 2021, c. 657, §3, is
39 further amended to read:

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

4 **Sec. 20. 30-A MRSA §4312, sub-§3, ¶N**, as enacted by PL 2019, c. 153, §3 and
5 reallocated by RR 2019, c. 1, Pt. A, §39, is amended to read:

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

10 **Sec. 21. 30-A MRSA §4314, sub-§1**, as amended by PL 2003, c. 641, §2, is
11 repealed.

12 **Sec. 22. 30-A MRSA §4314, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt. JJ,
13 §16 and affected by §41, is repealed.

14 **Sec. 23. 30-A MRSA §4314, sub-§3, ¶E**, as repealed and replaced by PL 2005, c.
15 397, Pt. A, §31, is amended to read:

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

21 **Sec. 24. 30-A MRSA §4314, sub-§3, ¶F**, as amended by PL 2011, c. 655, Pt. JJ,
22 §16 and affected by §41, is repealed.

23 **Sec. 25. 30-A MRSA §4317** is enacted to read:

24 **§4317. Adopted comprehensive plan in effect**

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

28 **Sec. 26. 30-A MRSA §4324, sub-§8, ¶B**, as amended by PL 2003, c. 641, §8, is
29 further amended to read:

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

38 **Sec. 27. 30-A MRSA §4325, sub-§1**, as amended by PL 1991, c. 622, Pt. F, §28,
39 is further amended to read:

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

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

6 A. On procedures for ~~joint action in~~ the preparation and adoption of comprehensive
7 plans, and on whether land use regulations and other implementation measures ~~to be~~
8 ~~conducted on a multimunicipal basis~~ will be administered within a municipality or by
9 2 or more of the municipalities;

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

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

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

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

22 **Sec. 31. 30-A MRSA §4326**, as amended by PL 2023, c. 646, Pt. A, §§35 to 38, is
23 further amended to read:

24 **§4326. Growth management program elements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 A. Promote the state goals under this subchapter;

37 B. Address any conflicts between state goals under this subchapter;

38 C. Address any conflicts between regional and local issues; ~~and~~

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

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

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

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

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

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

21 (a) ~~Establish development standards;~~

22 (b) ~~Establish timely permitting procedures;~~

23 (c) ~~Ensure that needed public services are available; and~~

24 (d) ~~Prevent inappropriate development in natural hazard areas, including flood~~
25 ~~plains and areas of high erosion.~~

26 (2) ~~Within rural areas, each municipality or multimunicipal region shall adopt land~~
27 ~~use policies and ordinances to discourage incompatible development. These~~
28 ~~policies and ordinances may include, without limitation, density limits, cluster or~~
29 ~~special zoning, acquisition of land or development rights, transfer of development~~
30 ~~rights pursuant to section 4328 and performance standards. The municipality or~~
31 ~~multimunicipal region should also identify which rural areas qualify as critical~~
32 ~~rural areas as defined in this chapter. Critical rural areas must receive priority~~
33 ~~consideration for proactive strategies designed to enhance rural industries, manage~~
34 ~~wildlife and fisheries habitat and preserve sensitive natural areas.~~

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

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

1 (a) ~~It is not possible to accommodate future residential, commercial or~~
2 ~~industrial growth within the municipality or multimunicipal region because of~~
3 ~~severe physical limitations, including, without limitation, the lack of adequate~~
4 ~~water supply and sewage disposal services, very shallow soils or limitations~~
5 ~~imposed by protected natural resources;~~
6 (b) ~~The municipality or multimunicipal region has experienced minimal or no~~
7 ~~residential, commercial or industrial development over the past decade and this~~
8 ~~condition is expected to continue over the 10-year planning period;~~
9 (c) ~~The municipality or multimunicipal region has identified as its growth~~
10 ~~areas one or more growth areas identified in a comprehensive plan adopted or~~
11 ~~to be adopted by one or more other municipalities or multimunicipal regions~~
12 ~~in accordance with an interlocal agreement adopted in accordance with chapter~~
13 ~~115 with one or more municipalities or multimunicipal regions; or~~
14 (d) ~~The municipality or multimunicipal region has no village or densely~~
15 ~~developed area.~~
16 (6) ~~A municipality or multimunicipal region exercising the discretion afforded by~~
17 ~~subparagraph (4) shall review the basis for its demonstration during the periodic~~
18 ~~revisions undertaken pursuant to section 4347-A;~~
19 B. ~~Develop a capital investment plan for financing the replacement and expansion of~~
20 ~~public facilities and services required to meet projected growth and development;~~
21 C. ~~Protect, maintain and, when warranted, improve the water quality of each water~~
22 ~~body pursuant to Title 38, chapter 3, subchapter I, article 4-A and ensure that the water~~
23 ~~quality will be protected from long-term and cumulative increases in phosphorus from~~
24 ~~development in great pond watersheds;~~
25 D. ~~Ensure that its land use policies and ordinances are consistent with applicable state~~
26 ~~law regarding critical natural resources. A municipality or multimunicipal region, if~~
27 ~~authorized to enact ordinances, may adopt ordinances more stringent than applicable~~
28 ~~state law;~~
29 E. ~~Ensure the preservation of access to coastal waters necessary for commercial~~
30 ~~fishing, commercial mooring, docking and related parking facilities. Each coastal area~~
31 ~~may identify and designate one or more critical waterfront areas and implement~~
32 ~~policies to ensure protection of those areas or otherwise discourage new development~~
33 ~~that is incompatible with uses related to the marine resources industry;~~
34 F. ~~Ensure the protection of agricultural and forest resources. Each municipality or~~
35 ~~multimunicipal region shall discourage new development that is incompatible with~~
36 ~~uses related to the agricultural and forest industries;~~
37 G. ~~Ensure that the municipality's or multimunicipal region's land use policies and~~
38 ~~ordinances encourage the siting and construction of affordable housing within the~~
39 ~~community and comply with the requirements of section 4358 pertaining to individual~~
40 ~~mobile home and mobile home park siting and design requirements. The municipality~~
41 ~~or multimunicipal region shall seek to achieve a level of at least 10% of new residential~~
42 ~~development, based on a 5-year historical average of residential development in the~~
43 ~~municipality or multimunicipal region, that meets the definition of affordable housing.~~

1 A municipality or multimunicipal region is encouraged to seek creative approaches to
2 assist in the development of affordable housing, including, but not limited to:

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

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

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

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

37 N. Notwithstanding paragraph G, ensure that in a service center community at least
38 10% of the housing stock is affordable housing.

39 **3-B. Future land use plan.** A comprehensive plan must include a future land use plan
40 as described in this subsection.

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

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

8 C. The department shall develop and maintain a catalog of implementation strategies
9 appropriate for various place types. Within the future land use plan, more place types
10 may be identified and designated to provide further guidance on the establishment or
11 modification of a municipality's or multimunicipal region's rate of growth ordinance,
12 zoning ordinance or impact fee ordinance.

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

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

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

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

27 E. A municipality or multimunicipal region may identify as its growth areas one or
28 more growth areas identified in a comprehensive plan adopted or to be adopted by one
29 or more other municipalities or multimunicipal regions in accordance with an interlocal
30 agreement adopted in accordance with chapter 115 with one or more municipalities or
31 multimunicipal regions.

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

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

41 ~~**4-A. Addressing sea level rise.** A municipality or multimunicipal region that is in the~~
42 ~~coastal area may include in its comprehensive plan projections regarding changes in sea~~
43 ~~level and potential effects of the rise in sea level on buildings, transportation infrastructure,~~
44 ~~sewage treatment facilities and other relevant municipal, multimunicipal or privately held~~

1 infrastructure or property and may develop a coordinated plan for addressing the effects of
2 the rise in sea level. For the purposes of this subsection, "coastal area" has the same
3 meaning as in Title 38, section 1802, subsection 1.

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

12 As used in this subsection, "protected natural resource" has the same meaning as in Title
13 38, section 480-B, subsection 8.

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

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

20 (1) Establish development standards;

21 (2) Establish timely permitting procedures;

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

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

25 B. Within rural areas, a municipality or multimunicipal region shall adopt land use
26 policies and ordinances to discourage incompatible development. These policies and
27 ordinances may include, without limitation, density limits, cluster or special zoning,
28 acquisition of land or development rights, transfer of development rights pursuant to
29 section 4328 and performance standards. The municipality or multimunicipal region
30 shall also identify which rural areas qualify as critical rural areas. Critical rural areas
31 must receive priority consideration for proactive strategies designed to enhance rural
32 industries, manage wildlife and fisheries habitats and preserve sensitive natural areas.

33 **Sec. 32. 30-A MRSA §4346, 2nd ¶**, as amended by PL 2021, c. 590, Pt. A, §10, is
34 further amended to read:

35 The department may enter into financial assistance grants only to the extent that funds
36 are available. In making grants, the department shall consider the need for planning in a
37 municipality or multimunicipal region, the proximity of the municipality or multimunicipal
38 region to other areas that are conducting or have completed the planning process and the
39 economic and geographic role of the municipality or multimunicipal region within a
40 regional context. The department shall give priority in making grants to any municipality
41 or multimunicipal region that has adopted a local climate action plan and, if the
42 municipality or multimunicipal region has adopted a comprehensive plan or growth
43 management program, prepared a climate vulnerability assessment ~~pursuant to section~~

1 ~~4326, subsection 1, paragraph L.~~ The department may consider other criteria in making
2 grants, as long as the criteria support the goal of encouraging and facilitating the adoption
3 and implementation of local and multimunicipal growth management programs consistent
4 with the procedures, goals and guidelines established in this subchapter. In order to
5 maximize the availability of the technical and financial assistance program to all
6 municipalities, multimunicipal regions and regional councils, financial assistance programs
7 administered competitively under this article are exempt from rules adopted by the
8 Department of Administrative and Financial Services pursuant to Title 5, section 1825-C
9 for use in the purchase of services and the awarding of grants and contracts. The
10 department shall publish a program statement describing its grant program and advertising
11 its availability to eligible applicants.

12 **Sec. 33. 30-A MRSA §4346, sub-§5**, as amended by PL 2013, c. 300, §6, is further
13 amended to read:

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

25 B. Department of Economic and Community Development;

26 C. Department of Environmental Protection;

27 D. Department of Agriculture, Conservation and Forestry;

28 E. Department of Inland Fisheries and Wildlife;

29 F. Department of Marine Resources;

30 G. Department of Transportation;

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

32 H. Finance Authority of Maine; and

33 I. Maine State Housing Authority.

34 **Sec. 34. 30-A MRSA §4347-A, sub-§2, ¶B**, as amended by PL 2011, c. 655, Pt.
35 JJ, §21 and affected by §41, is further amended to read:

36 B. Certification by the ~~former State Planning Office or the department of a~~
37 ~~municipality's or multimunicipal region's growth management program under this~~
38 ~~article~~ is valid for ~~10~~ 12 years. To maintain certification, a municipality or
39 multimunicipal region shall periodically review its growth management program and
40 submit to the department in a timely manner any revisions necessary to account for
41 changes, including changes caused by growth and development. Certification does not

1 lapse in any year in which the Legislature does not appropriate funds to the department
2 for the purposes of reviewing programs for recertification.

3 **Sec. 35. 30-A MRSA §4347-A, sub-§3, ¶C**, as amended by PL 2011, c. 655, Pt.
4 JJ, §21 and affected by §41, is further amended by amending subparagraph (3) to read:

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

12 **Sec. 36. 30-A MRSA §4347-A, sub-§3-A, ¶A**, as amended by PL 2011, c. 655,
13 Pt. JJ, §21 and affected by §41, is further amended to read:

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

22 **Sec. 37. 30-A MRSA §4347-A, sub-§3-A, ¶C**, as amended by PL 2011, c. 655,
23 Pt. JJ, §21 and affected by §41, is further amended to read:

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

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

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

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

39 (2) If the department finds that the comprehensive plan was developed in
40 accordance with the procedures, goals and guidelines established in this
41 subchapter, the department shall issue a finding of consistency for the
42 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. 39. 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. 40. 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. 41. 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. 42. 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. 43. Department rules. Notwithstanding the Maine Revised Statutes, Title 30-A, section 4312, subsection 4, rules initially adopted by the Department of Agriculture,

1 Conservation and Forestry pursuant to this Act are major substantive rules as defined in
2 Title 5, chapter 375, subchapter 2-A.

3 **Sec. 44. Application.** This Act does not apply to a comprehensive plan under the
4 Maine Revised Statutes, Title 30-A, chapter 187 that is submitted to the Department of
5 Agriculture, Conservation and Forestry for a consistency review within 24 months after the
6 final adoption of rules necessary to implement the provisions of this Act unless the relevant
7 municipality or multimunicipal region specifically requests that this Act be applied to that
8 municipality's or multimunicipal region's submission and the department authorizes that
9 application.

10 SUMMARY

11 This bill makes changes to the laws governing municipal growth management
12 programs by updating terminology and growth management program elements and
13 procedures and requiring needs assessment, the addressing of local goals and a future land
14 use plan as part of the comprehensive plan. The bill also clarifies the required components
15 of future land use plans.