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## HOUSING AND ECONOMIC DEVELOPMENT

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

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

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

**'Sec. 1. 30-A MRSA §4301, sub-§1,** as corrected by RR 2017, c. 1, §22, is repealed and the following enacted in its place:

**1. Affordable housing.** "Affordable housing" means a decent, safe and sanitary dwelling as follows:

**A. Rental housing** that a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household's monthly income on housing costs; and

**B. With respect to housing that is owned,** housing that a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the household's monthly income on housing costs.'

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

**1-A. Cluster development.** "Cluster development" means a form of development that allows a ~~subdivision~~ design in which individual lot sizes and setbacks are reduced in exchange for the creation of common open space and recreation areas, the preservation of environmentally sensitive areas, agriculture and silviculture and the reduction in the size of road and utility systems.'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



2. It requires that rules adopted on the inventory, analysis and needs assessment components of developing a comprehensive plan allow for flexibility in the timing and quantity of data collected and 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 and includes data related to the environment, the natural resource-based economy, local or regional water supplies and natural hazards.

3. It requires the state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 to define the term "downtown" in rule and to convene a stakeholder group to solicit input on the rules to be adopted to implement this legislation.

4. It requires the state agency responsible for the administration of the growth management program under the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2 to develop guidance materials on public participation in the comprehensive planning process, to prepare a guide to help municipalities choose among the various approaches to comprehensive planning, to prepare technical assistance materials on place types and to partner with at least 3 communities to acquire information on how place types and similar planning tools are used. The state agency is also required to submit an interim progress report on the implementation of this legislation to the Joint Standing Committee on Housing and Economic Development, which is authorized to report out legislation based on the report to the Second Regular Session of the 132nd Legislature.

5. It adjusts terminology and makes technical changes.

**FISCAL NOTE REQUIRED**

**(See attached)**