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Date:

(Filing No. H-)

HOUSING

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1267, L.D. 1976, “An Act to Update the Growth Management Program Laws”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 30-A MRSA §4301, as amended by PL 2021, c. 590, Pt. A, §§3 to 5 and c. 754, §1, is further amended to read:

§4301. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Affordable housing. "Affordable housing" means a decent, safe and sanitary dwelling, ~~apartment~~ or other living accommodation for 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. 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.

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

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1 environmentally sensitive areas, agriculture and silviculture and the reduction in the size
2 of road and utility systems.

3 **1-B. Age-friendly community.** "Age-friendly community" means a community
4 where policies, services, settings and structures support and enable older ~~people~~ residents
5 to actively age in place and that recognizes the capabilities, resources and needs of older
6 ~~adults~~ residents, plans to meet the needs of older ~~adults~~ residents in flexible ways that
7 support healthy and active aging, promotes the inclusion and contributions of older ~~adults~~
8 residents in all areas of community life, respects the self-determination and independence
9 of older ~~adults~~ residents and protects those older ~~adults~~ residents who are most vulnerable.

10 **1-C. Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained
11 dwelling unit located within, attached to or detached from a single-family dwelling unit
12 located on the same parcel of land.

13 **1-D. Agricultural soils.** "Agricultural soils" means farmland soils identified and
14 mapped by the United States Department of Agriculture, Natural Resources Conservation
15 Service and state soil and water conservation districts as prime farmland, soils of statewide
16 importance and unique and locally important soils.

17 **1-E. Attainable housing.** "Attainable housing," "middle-income housing" or
18 "missing middle housing," means a decent, safe and sanitary dwelling or other living
19 accommodation that a household whose income is greater than 80% and less than 120% of
20 the median income for the area as defined by the United States Department of Housing and
21 Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50
22 Stat. 888, Section 8, as amended, can afford without spending more than 30% of the
23 household's monthly income on housing costs.

24 **2. Coastal area.** "Coastal area" means a coastal island and any municipality or
25 unorganized township contiguous to tidal waters. The inland boundary of the coastal area
26 is the inland line of any coastal town line.

27 **3. Comprehensive plan.** "Comprehensive plan" means a document or interrelated
28 documents that are consistent with the goals, requirements and guidelines established under
29 subchapter 2 containing the elements established under section 4326 4326-A, subsections
30 1 to 4, including the strategies for an implementation program which are consistent with
31 the goals and guidelines established under subchapter H.

32 **4. Conditional zoning.** "Conditional zoning" means the process by which the
33 municipal legislative body may rezone property to permit the use of that property subject
34 to conditions not generally applicable to other properties similarly zoned.

35 ~~**4-A. Critical rural area.** "Critical rural area" means a rural area that is specifically~~
36 ~~identified and designated by a municipality's or multimunicipal region's comprehensive~~
37 ~~plan as deserving maximum protection from development to preserve natural resources and~~
38 ~~related economic activities that may include, but are not limited to, significant farmland,~~
39 ~~forest land or mineral resources; high value wildlife or fisheries habitat; scenic areas;~~
40 ~~public water supplies; scarce or especially vulnerable natural resources; flood buffer areas~~
41 ~~and flood prone areas; and open lands functionally necessary to support a vibrant rural~~
42 ~~economy.~~

43 ~~**4-B. Critical waterfront area.** "Critical waterfront area" means a shorefront area~~
44 ~~characterized by functionally water dependent uses, as defined in Title 38, section 436-A,~~

1 ~~subsection 6, and specifically identified and designated by a municipality's or~~
2 ~~multimunicipal region's comprehensive plan as deserving maximum protection from~~
3 ~~incompatible development.~~

4 **4-C. Conserved lands.** "Conserved lands" means lands located in a municipality that
5 are protected from development through conservation easements or ownership in fee by
6 the municipality, the State, the Federal Government or a land conservation organization or
7 other mechanisms intended to preserve natural resources and economic activities directly
8 related to the protected lands.

9 **4-D. Critical natural resources.** "Critical natural resources" means the following
10 natural resources:

11 A. A resource protection zone established under Title 38, section 438-A, subsection 1;

12 B. Wetlands of special significance identified by the Department of Environmental
13 Protection under Title 38, chapter 3, subchapter 1, article 4-A;

14 C. Significant wildlife habitat as defined in Title 38, section 480-B, subsection 10;

15 D. Habitats of threatened and endangered species and species of special concern as
16 designated and mapped under Title 12, chapter 925;

17 E. Significant freshwater fisheries spawning habitat as identified and mapped by the
18 Department of Inland Fisheries and Wildlife or the Department of Marine Resources;

19 F. Natural communities that are inventoried as critically imperiled, imperiled or rare
20 and mapped in the Natural Areas Program under Title 12, section 544;

21 G. Areas containing threatened or endangered plant species in the Natural Areas
22 Program under Title 12, section 544;

23 H. Coastal sand dune systems as defined by Title 38, section 480-B, subsection 1; and

24 I. Fragile mountain areas as defined by Title 38, section 480-B, subsection 3.

25 **5. Contract zoning.** "Contract zoning" means the process by which the property
26 owner, in consideration of the rezoning of that person's property, agrees to the imposition
27 of certain conditions or restrictions not imposed on other similarly zoned properties.

28 **5-A. Downtown.** "Downtown" means:

29 A. The central business district of a community that serves as the center for
30 socioeconomic interaction in the community and is characterized by a cohesive core of
31 commercial and mixed-use buildings, often interspersed with civic, religious and
32 residential buildings and public spaces, typically arranged along a main street and
33 intersecting side streets, walkable and served by public infrastructure; or

34 B. An area identified as a downtown in a comprehensive plan adopted pursuant to
35 chapter 187, subchapter H 2.

36 **5-B. Growth-related capital investment.** "Growth-related capital investment"
37 means investment by the State in only the following projects, even if privately owned,
38 whether using state, federal or other public funds and whether in the form of a purchase,
39 lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

40 A. Construction or acquisition of newly constructed multifamily rental housing;

1 B. Development and redevelopment of high-impact corridors and other designated
2 growth areas that provide an opportunity for mixed-use development consisting of
3 residential, light industrial or business parks uses;

4 C. Construction or extension or upgrade of sewer, water and other utility lines to
5 support designated growth areas;

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

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

10 "Growth-related capital investment" does not include investment in the following: the
11 operation or maintenance of a governmental or quasi-governmental facility or program; the
12 renovation of a governmental facility that does not significantly expand the facility's
13 capacity; general purpose aid for education; school construction or renovation projects;
14 highway or bridge projects; programs that provide direct financial assistance to individual
15 businesses; community revenue sharing; or public health programs.

16 **5-C. Department.** "Department" means the Department of Agriculture, Conservation
17 and Forestry.

18 **5-D. Development standards.** "Development standards" means performance and
19 design standards for buildings, streets, civic spaces and sites that promote a pattern of
20 development through the identification of characteristics unique to a placetype and to the
21 areas that make up a placetype. "Development standards" includes, but is not limited to,
22 street connectivity and design; location and design of civic spaces; building type, use, form,
23 placement, arrangement and orientation on a lot; location of parking; storm water design;
24 and other site design considerations.

25 **6. Development.** "Development" means a change in land use involving alteration of
26 the land, water or vegetation, or the addition or alteration of structures or other construction
27 not naturally occurring.

28 **6-A. Impact fee.** "Impact fee" means a charge or assessment imposed by a
29 municipality against a new development to fund or recoup a portion of the cost of new,
30 expanded or replacement infrastructure facilities necessitated by and attributable at least in
31 part to the new development.

32 **6-B. Impact fee ordinance.** "Impact fee ordinance" means an ordinance that
33 establishes the applicability, formula and means by which impact fees are assessed.

34 **6-C. Growth area.** ~~"Growth area" means an area that is designated in a municipality's~~
35 ~~or multimunicipal region's comprehensive plan as suitable for orderly residential,~~
36 ~~commercial or industrial development, or any combinations of those types of development,~~
37 ~~and into which most development projected over 10 years is directed a placetype or portion~~
38 ~~of a placetype that has been identified by a municipality or multimunicipal region in a~~
39 ~~comprehensive plan as an area for significant development and investment, including but~~
40 ~~not limited to new roads, utilities and infrastructure expansion. "Growth area" includes~~
41 high-impact corridors.

42 **6-D. High-impact corridor.** "High-impact corridor" means a linear collection of
43 predominantly commercial parcels of developed land along a road located proximate to a

1 downtown or village characterized by a low-density development pattern, with large areas
2 of parking typically located between buildings and the road.

3 **7. Implementation program.** "Implementation program" means that component of a
4 local growth management program that begins after the adoption of a comprehensive plan
5 and that includes the full range of municipal policy-making powers, including spending
6 and borrowing powers, as well as the powers to adopt or implement ordinances, codes,
7 rules or other land use regulations, tools or mechanisms that carry out the purposes and
8 general policy statements and strategies of the comprehensive plan in a manner consistent
9 with the goals and guidelines of subchapter 2.

10 **7-A. Important natural resources.** "Important natural resources" means those areas
11 in the community important for strategic conservation planning purposes and not classified
12 as critical natural resources, including but not limited to:

13 A. Large habitat blocks as identified by the Department of Inland Fisheries and
14 Wildlife's habitat conservation mapping program;

15 B. Habitat connections as identified by the Department of Inland Fisheries and
16 Wildlife's habitat conservation mapping program;

17 C. Focus areas of statewide ecological significance as identified in the Department of
18 Inland Fisheries and Wildlife's federally required wildlife action plan; or

19 D. Exemplary natural community locations as inventoried and mapped under the
20 Natural Areas Program under Title 12, section 544.

21 **8. Land use ordinance.** "Land use ordinance" means an ordinance or regulation of
22 general application adopted by the municipal legislative body which controls, directs or
23 delineates allowable uses of land and the standards for those uses.

24 **8-A. Local climate action plan.** "Local climate action plan" means a planning and
25 decision-making document adopted by a municipality or multimunicipal region that:

26 A. Includes compiled information regarding climate and health risks;

27 B. Includes an evaluation of options for addressing climate and health risks by
28 individuals, committees or offices in local or regional government that are responsible
29 for planning, implementing and monitoring activities that reduce climate risk, build
30 resilience to natural hazards and improve health and community capacity to manage
31 crises; and

32 C. Is produced using community dialogue and participation in a manner that ensures
33 the input and needs of the community's most vulnerable citizens are elevated and
34 prioritized.

35 **9. Growth management program.** "Growth management program" means a
36 document containing the components described in section 4326, ~~including the~~
37 ~~implementation program,~~ 4326-A, subsections 1 to 4 that is consistent with the goals,
38 requirements and guidelines established by subchapter H 2 and that regulates land use
39 beyond that required by Title 38, chapter 3, subchapter I 1, article 2-B.

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

1 **11. Moratorium.** "Moratorium" means a land use ordinance or other regulation
2 approved by a municipal legislative body that, if necessary, may be adopted on an
3 emergency basis and given immediate effect and that temporarily defers all development,
4 or a type of development, by withholding any permit, authorization or approval necessary
5 for the specified type or types of development.

6 **11-A. Multimunicipal region.** "Multimunicipal region" means a region made up of
7 2 or more municipalities that work together to cooperatively establish a growth
8 management program or independent growth management programs that are unified with
9 respect to the implementation of the state goal identified in section 4312, subsection 3,
10 paragraph A A-1. The several municipalities in a multimunicipal region may establish the
11 region pursuant to section 4325 or chapter 115.

12 **12. Municipal reviewing authority.** "Municipal reviewing authority" means the
13 municipal planning board, agency or office, or if none, the municipal officers.

14 **12-A. Placetype.** "Placetype" means a definable geographic settlement pattern
15 identifiable by the type of activities that occur there and by a set of characteristics related
16 to its location, including the proximity and relationship to natural resources and rural areas;
17 the size of the developed area; the arrangement of buildings and their uses; the pattern and
18 arrangement of streets; the type of infrastructure available; and the presence of civic spaces
19 and civic buildings.

20 **13-A. Rate of growth ordinance.** "Rate of growth ordinance" means a land use
21 ordinance or other rule that limits the number of building or development permits issued
22 by a municipality or other jurisdiction over a designated time frame.

23 **14. Regional council.** "Regional council" means a regional planning commission or
24 a council of governments established under chapter 119, subchapter 1.

25 **14-A. Service center community.** "Service center community" means a municipality
26 or group of municipalities identified by the department according to a methodology
27 established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-
28 workers ratio, the amount of federally assisted housing and the volume of service sector
29 jobs. Rules adopted pursuant to this subsection are routine technical rules as defined in
30 Title 5, chapter 375, subchapter 2-A.

31 **14-B. Rural area.** "Rural area" means a geographic area that is identified and
32 designated in a municipality's or multimunicipal region's comprehensive plan as an area
33 that is deserving of some level of regulatory protection from unrestricted development for
34 purposes that may include, but are not limited to, supporting farmland and agriculture,
35 forest land and forestry, mineral resources and mining, open space, erosion mitigation,
36 water retention, wildlife habitat, fisheries habitat ~~and~~, flood buffer areas and flood-prone
37 areas, public water supplies, natural resources, open land and scenic lands, and away from
38 which most development projected over 10 years is diverted. Characteristics of a rural area
39 may include large tracts of open land, areas of conserved lands, working farms and forests
40 and a pattern of development that is spaced apart with dense vegetation or large, open,
41 undeveloped areas between buildings or groupings of buildings.

42 **14-C. Transitional area.** "~~Transitional area~~" means an area ~~that is designated in a~~
43 ~~municipality's or multimunicipal region's comprehensive plan as suitable for a share of~~
44 ~~projected residential, commercial or industrial development but that is neither intended to~~

1 accept the amount or density of development appropriate for a growth area nor intended to
2 provide the level of protection for rural resources afforded in a rural area or critical rural
3 area.

4 **14-D. Suburban area.** "Suburban area" means a geographic area characterized by a
5 fragmented development pattern, typically segregated by use, that often occurs on formerly
6 rural land and where roadways are generally curvilinear and noncontiguous.

7 **15-A. Zoning ordinance.** "Zoning ordinance" means a type of land use ordinance
8 that divides a municipality into districts and that prescribes and reasonably applies different
9 regulations in each district.

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

12 **Sec. 3. 30-A MRSA §4312, sub-§2, ¶J** is enacted to read:

13 J. Encourage cooperation between municipalities and state agencies, regional councils
14 established under chapter 119, subchapter 1 and nonprofit organizations to develop
15 comprehensive plans that assist municipalities in establishing local land use policies.

16 **Sec. 4. 30-A MRSA §4312, sub-§3,** as amended by PL 2021, c. 657, §§1 to 4, is
17 further amended to read:

18 **3. State goals.** The Legislature hereby establishes a set of state goals to provide overall
19 direction and consistency to the planning and regulatory actions of all state and municipal
20 agencies affecting natural resource management, land use and development. The
21 Legislature declares that, in order to promote and protect the health, safety and welfare of
22 the citizens of the State, it is in the best interests of the State to achieve the following goals:

23 ~~A. To encourage orderly growth and development in appropriate areas of each~~
24 ~~community and region while protecting the State's rural character, making efficient use~~
25 ~~of public services and preventing development sprawl;~~

26 A-1. To encourage municipalities and multimunicipal regions to focus new
27 development in growth areas to enable efficient use of public services and existing
28 infrastructure investments while protecting the State's rural character, working lands,
29 natural resources and natural resource-based industries and preventing development
30 sprawl and sprawl-associated traffic congestion;

31 B. To plan for, finance and develop an efficient system of public facilities,
32 transportation infrastructure and public services to accommodate anticipated growth
33 and economic development, including planning new development, factoring in life-
34 cycle costs and infrastructure maintenance and replacement;

35 C. To promote an economic climate which ~~that~~ increases job opportunities and overall
36 economic well-being;

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

41 D-1. To promote land use policies and land use ordinances that encourage the siting
42 and construction of attainable housing and affordable housing in reasonable proximity

1 to jobs and services and to reduce siting of new housing in locations that increase
2 household transportation costs and produce traffic congestion on regional roadways;

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

6 F. To protect the State's other critical natural resources, including, without limitation,
7 wetlands, wildlife and fisheries habitat, agricultural soils, sand dunes, shorelands,
8 scenic vistas and unique natural areas;

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

12 H. To safeguard the State's agricultural and forest resources from development ~~which~~
13 that threatens those resources, including protecting access to farmland and promoting
14 the viability of agriculture, in addition to safeguarding agricultural resources from
15 development;

16 I. To preserve the State's historic and archeological resources;

17 J. To promote and protect the availability of outdoor recreation opportunities for all
18 Maine citizens, including access to surface waters;

19 L. To encourage municipalities to develop policies that accommodate older ~~adults~~
20 residents with aging in place and that encourage, including the creation of age-friendly
21 communities, appropriate housing and transportation access; and

22 N. To plan for the effects of the rise in sea level and flooding on buildings,
23 transportation infrastructure, sewage treatment facilities and other relevant state,
24 regional, municipal or privately held infrastructure, property or resources and to build
25 resilience to natural hazards.

26 **Sec. 5. 30-A MRSA §4314, sub-§1**, as amended by PL 2003, c. 641, §2, is further
27 amended to read:

28 **1. Comprehensive plan; growth management program.** A municipal
29 comprehensive plan adopted or amended by a municipality ~~under former Title 30, chapter~~
30 ~~239, subchapter 5 or 6~~ remains in effect until amended or repealed in accordance with the
31 ~~procedures, goals, requirements~~ and guidelines established in this subchapter. A
32 comprehensive plan or growth management program that is submitted to the department
33 for certification prior to the final adoption of rules initiated after July 1, 2024 must be
34 reviewed by the department based on provisions of this subchapter and associated rules in
35 effect as of January 1, 2024.

36 **Sec. 6. 30-A MRSA §4314, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt. JJ,
37 §16 and affected by §41, is further amended to read:

38 D. The municipality or multimunicipal region is under contract with the department to
39 prepare a comprehensive plan ~~or implementation program~~, in which case the ordinance
40 or portion of the ordinance remains valid for up to 4 years after receipt of the first
41 installment of its first planning assistance grant or for up to 2 years after receipt of the
42 first installment of its first implementation assistance grant, whichever is earlier;

1 **Sec. 7. 30-A MRSA §4314, sub-§3, ¶F**, as amended by PL 2011, c. 655, Pt. JJ,
2 §16 and affected by §41, is further amended to read:

3 F. The municipality or multimunicipal region applied for and was denied financial
4 assistance for its first planning assistance grant or implementation assistance grant
5 under this subchapter due to lack of state funds on or before January 1, 2003. If the
6 department subsequently offers the municipality or multimunicipal region its first
7 planning assistance or implementation assistance grant, the municipality or
8 multimunicipal region has up to one year to contract with the department to prepare a
9 comprehensive plan ~~or implementation program~~, in which case the municipality's or
10 multimunicipal region's ordinances will be subject to paragraph D; or

11 **Sec. 8. 30-A MRSA §4324, sub-§3**, as amended by PL 2001, c. 578, §13, is further
12 amended to read:

13 **3. Citizen participation.** In order to encourage citizen participation in the
14 development of a growth management program, municipalities or multimunicipal regions
15 may adopt growth management programs only after establishing a process for active citizen
16 participation, soliciting and, considering and incorporating a broad range of citizen input
17 and engagement in formulating the comprehensive plan and inviting and considering public
18 review and comment. The intent of this subsection is to provide for the broad dissemination
19 of proposals and alternatives, opportunity for written comments, open discussions,
20 information dissemination and consideration of and response to public comments and to
21 ensure that public comment is a factor in the development of a comprehensive plan as
22 described in section 4326-A. The department shall provide guidance on best practices for
23 soliciting public input as part of the development of a comprehensive plan.

24 **Sec. 9. 30-A MRSA §4324, sub-§8, ¶B**, as amended by PL 2003, c. 641, §8, is
25 further amended to read:

26 B. A copy of the proposed comprehensive plan must be made available for public
27 inspection at each municipal office or other convenient location with regular public
28 hours at least 30 days before the hearing and made available on the municipality's
29 existing publicly accessible website. If modification of the plan is proposed pursuant
30 to comments made at a public hearing, and if a follow-up public hearing is to be held,
31 the proposed changes must be made available for public inspection at each municipal
32 office or other convenient location with regular public hours before any follow-up
33 hearing.

34 **Sec. 10. 30-A MRSA §4326**, as corrected by RR 2021, c. 2, Pt. A, §109, is repealed.

35 **Sec. 11. 30-A MRSA §4326-A** is enacted to read:

36 **§4326-A. Growth management program element; comprehensive plan**

37 A growth management program must include at least a comprehensive plan. A
38 comprehensive plan is required to include the components described in subsections 1 to 4.

39 **1. Inventory and mapping.** A comprehensive plan must include mapping of
40 environmental systems data and other information important to the municipality or
41 multimunicipal region, which must include, but is not limited to, all critical natural
42 resources and important natural resources; data layers provided by the Department of
43 Inland Fisheries and Wildlife's habitat conservation mapping program, including those

1 layers that are subject to state and federal rules and regulations intended to preserve natural
2 resources and related economic activities and significant farmland, forest land or mineral
3 resources; scenic areas; public water supplies; open lands functionally necessary to support
4 a vibrant rural economy; areas of statewide ecological significance; agricultural soils; land
5 in Maine tree growth and farmland protection tax programs; and working waterfronts. In
6 addition to environmental systems, a comprehensive plan must include an inventory and
7 mapping section that, using graphic illustration and narrative, identifies and maps within
8 the municipality or multimunicipal region the following:

9 A. Conserved lands, identified using data and maps from the department that are
10 provided to the department pursuant to section 4346, subsection 5 and by regional
11 councils and other relevant local sources, as applicable;

12 B. Rural areas deserving of protection from unrestricted development and open lands,
13 including areas deserving additional protections not currently provided by federal law,
14 state law or regulation or local ordinance. Within areas identified and mapped as rural
15 areas, the comprehensive plan must identify any existing or proposed placetypes,
16 including, but not limited to, placetypes described in department rules or guidance such
17 as rural centers, rural farmsteads and rural backlands;

18 C. Suburban areas. Within areas mapped as suburban areas, the comprehensive plan
19 must identify any existing or proposed placetypes, which may include, but are not
20 limited to, placetypes described in department rules or guidance such as advanced
21 suburban areas or suburban roads; and

22 D. Areas not described in paragraphs A to C that are served by infrastructure to support
23 daily life activities, including, but not limited to, placetypes described in department
24 rules or guidance, including downtown centers, village centers, rural centers, adjacent
25 neighborhoods and high-impact corridors. Within the areas identified and mapped
26 pursuant to this paragraph, the comprehensive plan must identify placetypes or portions
27 of placetypes designated as growth areas where investment by the municipality and the
28 State may be necessary to implement the comprehensive plan. Identification of
29 designated growth areas must be informed by and consistent with the analysis required
30 by subsection 2 and the goals established under subsection 3.

31 Nothing in this subsection prohibits a municipality or a multimunicipal region from
32 identifying, describing and mapping placetypes not defined in this subchapter or in rules
33 adopted pursuant to this subchapter. A municipality or multimunicipal region may use
34 different names for placetypes defined in this subchapter or in rules adopted pursuant to
35 this subchapter in order to reflect local nomenclature or preferences.

36 **2. Needs analysis.** A comprehensive plan must include a needs analysis that identifies
37 existing conditions or desired conditions within the municipality or multimunicipal region
38 that are necessary to support housing, economic growth and development; protect public
39 health, safety and welfare of the community; and protect the environment and critical
40 resources.

41 For all areas identified under subsection 1, the comprehensive plan must identify, at a
42 minimum, needs related to ensuring protection of critical natural resources, water quality
43 and, as applicable, access to coastal waters for commercial activities and protection of
44 agricultural and forest resources.

1 The comprehensive plan must include a narrative section describing the analysis conducted
2 pursuant to this section and how it informed the identification of each need listed in the
3 comprehensive plan. The narrative section must describe any public input received,
4 including public input received in response to solicitation of public comment pursuant to
5 section 4324, subsection 3, and how that input informed the identification of needs listed
6 in the comprehensive plan.

7 **3. Goals.** The comprehensive plan must include a narrative section that outlines the
8 goals the municipality or multimunicipal region has established to address each of the needs
9 identified under subsection 2. The narrative must address how the goals established in the
10 comprehensive plan:

11 A. Align or, if applicable, conflict with the state goals listed in section 4312;

12 B. Align or, if applicable, conflict with the goals of the region if an independent
13 municipal plan was developed cooperatively with other municipalities; and

14 C. Address the needs identified pursuant to subsection 2.

15 **4. Implementation and strategy.** For areas identified in subsection 1, paragraph D
16 that have been identified as growth areas, the comprehensive plan must include a section
17 that describes how the goals established in subsection 3 will be implemented, including:

18 A. Identification of land use policies and land use ordinances to be adopted; where
19 those policies and ordinances are applicable on the maps created pursuant to this
20 section; and the timetable for implementation of the policies and ordinances;

21 B. For municipalities with zoning, establishment of development standards applicable
22 to the stated goals; and

23 C. Plans for capital investment and, if feasible, identification of sources of capital.

24 **5. Regional coordination program.** A regional coordination program must be
25 developed among municipalities or multimunicipal regions to manage shared resources and
26 facilities, such as rivers, aquifers, transportation facilities and others. The purpose of this
27 program is to provide for consistency with the comprehensive plans of other municipalities
28 or multimunicipal regions for these resources and facilities. Any component of a
29 comprehensive plan developed as a regional coordination program pursuant to this
30 subsection may be adopted by a municipality or a multimunicipal region as a component
31 of the municipality's or multimunicipal region's own comprehensive plan as long as it
32 otherwise complies with the applicable requirements in this section.

33 **Sec. 12. 30-A MRSA §4328**, as enacted by PL 2001, c. 592, §2, is amended to read:

34 **§4328. Transfer of development rights**

35 In order to comply with the requirement in section 4326 ~~4326-A~~ for each municipality
36 to adopt land use policies and land use ordinances to discourage incompatible development,
37 a municipality may adopt a transfer of development rights program for the transfer of
38 development rights within its boundaries. Two or more municipalities may adopt a
39 program that provides for the transfer of development rights between the municipalities if
40 the municipalities have entered into an interlocal agreement pursuant to chapter 115 for
41 this purpose.

1 **Sec. 13. 30-A MRSA §4346, 2nd ¶**, as amended by PL 2021, c. 590, Pt. A, §10, is
2 further amended to read:

3 The department may enter into financial assistance grants only to the extent that funds
4 are available. In making grants, the department shall consider the need for planning in a
5 municipality or multimunicipal region, the proximity of the municipality or multimunicipal
6 region to other areas that are conducting or have completed the planning process and the
7 economic and geographic role of the municipality or multimunicipal region within a
8 regional context. The department shall give priority in making grants to any municipality
9 or multimunicipal region that has adopted a local climate action plan and, if the
10 municipality or multimunicipal region has adopted a comprehensive plan or growth
11 management program, prepared a climate vulnerability assessment ~~pursuant to section~~
12 ~~4326, subsection 1, paragraph L.~~ The department may consider other criteria in making
13 grants, as long as the criteria support the goal of encouraging and facilitating the adoption
14 and implementation of local and multimunicipal growth management programs consistent
15 with the ~~procedures, goals, requirements~~ and guidelines established in this subchapter. In
16 order to maximize the availability of the technical and financial assistance program to all
17 municipalities, multimunicipal regions and regional councils, financial assistance programs
18 administered competitively under this article are exempt from rules adopted by the
19 Department of Administrative and Financial Services pursuant to Title 5, section 1825-C
20 for use in the purchase of services and the awarding of grants and contracts. The
21 department shall publish a program statement describing its grant program and advertising
22 its availability to eligible applicants.

23 **Sec. 14. 30-A MRSA §4346, sub-§5**, as amended by PL 2013, c. 300, §6, is further
24 amended to read:

25 **5. Coordination.** State agencies with regulatory or other authority affecting the goals
26 established in this subchapter shall conduct their respective activities in a manner consistent
27 with the goals established under this subchapter, including, but not limited to, coordinating
28 with municipalities, regional councils and other state agencies in meeting the state goals;
29 providing available information to ~~regions and municipalities as described in section 4326,~~
30 ~~subsection 1~~ the department, municipalities and multimunicipal regions; cooperating with
31 efforts to integrate and provide ~~access to the department with~~ geographic information and
32 environmental system data and maps necessary for the inventory and needs analysis
33 components of a comprehensive plan pursuant to section 4346-A; making state investments
34 and awarding grant money as described in section 4349-A; and conducting reviews of
35 growth management programs as provided in section 4347-A, subsection 3, paragraph A.
36 Without limiting the application of this section to other state agencies, the following
37 agencies shall comply with this subchapter:

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

- 1 G-1. Department of Health and Human Services;
- 2 H. Finance Authority of Maine; and
- 3 I. Maine State Housing Authority.

4 **Sec. 15. 30-A MRSA §4347-A**, as amended by PL 2011, c. 655, Pt. JJ, §21 and
5 affected by §41, is further amended to read:

6 **§4347-A. Review of programs by department**

7 **1. Comprehensive plans.** A municipality or multimunicipal region that chooses to
8 prepare a growth management program and receives a planning grant under this article
9 shall submit its comprehensive plan to the department for review. A municipality or
10 multimunicipal region that chooses to prepare a growth management program without
11 receiving a planning grant under this article may submit its comprehensive plan to the
12 department for review. The department shall review plans for consistency with the
13 ~~procedures~~, goals, requirements and guidelines established in this subchapter. A contract
14 for a planning assistance grant must include specific timetables governing the review of the
15 comprehensive plan by the department. A comprehensive plan submitted for review more
16 than 12 months following a contract end date may be required to contain data, projections
17 and other time-sensitive portions of the plan or program that are in compliance with the
18 department's most current review standards.

19 **2. Growth management programs.** A municipality or multimunicipal region may at
20 any time request a certificate of consistency for its growth management program.

21 A. Upon a request for review under this section, the department shall review the
22 program and determine whether the program is consistent with the ~~procedures~~, goals,
23 requirements and guidelines established in this subchapter.

24 B. Certification by the former State Planning Office or the department of a
25 municipality's or multimunicipal region's growth management program under this
26 article is valid for 10 years. To maintain certification, a municipality or multimunicipal
27 region shall periodically review its growth management program and submit to the
28 department in a timely manner any revisions necessary to account for changes,
29 including changes caused by growth and development. Certification does not lapse in
30 any year in which the Legislature does not appropriate funds to the department for the
31 purposes of reviewing programs for recertification.

32 C. Upon a request for review under this section, the department may review rate of
33 growth, impact fee and zoning ordinances to determine whether the ordinances are
34 consistent with a comprehensive plan that has been found consistent under this section
35 without requiring submission of all elements of a growth management program. An
36 affirmative finding of consistency by the department is required for a municipality or
37 multimunicipal region to assert jurisdiction as provided in section 4349-A.

38 **3. Review of growth management program.** In reviewing a growth management
39 program, the department shall:

40 A. Solicit written comments on any proposed growth management program from
41 regional councils, state agencies, all municipalities contiguous to the municipality or
42 multimunicipal region submitting a growth management program and any interested
43 residents of the municipality or multimunicipal region or of contiguous municipalities.

1 The comment period extends for 45 days after the department receives the growth
2 management program.

3 (1) Each state agency reviewing the proposal shall designate a person or persons
4 responsible for coordinating the agency's review of the growth management
5 program.

6 (2) Any regional council commenting on a growth management program shall
7 determine whether the program is compatible with the programs of other
8 municipalities that may be affected by the program and with regional policies or
9 needs identified by the regional council;

10 B. Prepare all written comments from all sources in a form to be forwarded to the
11 municipality or multimunicipal region;

12 C. Within 90 days after receiving the growth management program, send all written
13 comments on the growth management program to the municipality or multimunicipal
14 region and any applicable regional council. If warranted, the department shall issue
15 findings specifically describing how the submitted growth management program is not
16 consistent with the ~~procedures~~, goals, requirements and guidelines established in this
17 subchapter and the recommended measures for remedying the deficiencies.

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

21 (2) If the department finds that the growth management program was adopted in
22 accordance with the ~~procedures~~, goals, requirements and guidelines established in
23 this subchapter, the department shall issue a certificate of consistency for the
24 growth management program.

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

32 D. Provide ample opportunity for the municipality or multimunicipal region
33 submitting a growth management program to respond to and correct any identified
34 deficiencies in the program. A finding of inconsistency for a growth management
35 program may be addressed within 24 months of the date of the finding without
36 addressing any new review standards that are created during that time interval. After
37 24 months, the program must be resubmitted in its entirety for state review under the
38 department's most current review standards; and

39 E. Provide an expedited review and certification procedure for those submissions that
40 represent minor amendments to certified growth management programs.

41 The department's decision on consistency of a growth management program constitutes
42 final agency action.

1 **3-A. Review of comprehensive plan.** In reviewing a comprehensive plan, the
2 department shall:

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

10 B. Prepare all written comments from all sources in a form to be forwarded to the
11 municipality or multimunicipal region;

12 C. Within ~~35~~ 40 business days after receiving the comprehensive plan, ~~notify the~~
13 ~~municipality or multimunicipal region if the plan is complete for purposes of review.~~
14 ~~If the department notifies the municipality or multimunicipal region that the plan is not~~
15 ~~complete for purposes of review, the department shall indicate in its notice necessary~~
16 ~~additional data or information~~ make a determination whether a plan is consistent or
17 inconsistent based on a review of the requirements of this subchapter;

18 D. ~~Within 10 business days of issuing notification that a comprehensive plan is~~
19 ~~complete for purposes of review, issue findings specifically describing whether the~~
20 ~~submitted plan is consistent with the procedures, goals and guidelines established in~~
21 ~~this subchapter and identify which inconsistencies in the plan, if any, may directly~~
22 ~~affect rate of growth, zoning or impact fee ordinances.~~

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

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

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

34 D-1. If the department finds that a comprehensive plan was developed in accordance
35 with the goals, requirements and guidelines established in this subchapter, issue a
36 finding of consistency for the comprehensive plan. If the department finds that a
37 comprehensive plan does not meet the requirements established in this subchapter, the
38 department shall issue a finding of inconsistency and provide to the municipality or
39 multimunicipal region recommendations for resolving the inconsistency;

40 E. Send all written findings and comments on the comprehensive plan to the
41 municipality or multimunicipal region and any applicable regional council; and

42 F. Provide ample opportunity for the municipality or multimunicipal region submitting
43 a comprehensive plan to respond to and ~~correct any identified deficiencies in the plan~~
44 revise the plan to be consistent with the goals, requirements and guidelines of this

1 subchapter. A finding of inconsistency for a comprehensive plan may be addressed
2 within 24 months of the date of the finding without addressing any new review
3 standards that are created during that time interval. After 24 months, the plan must be
4 resubmitted in its entirety for state review under the department's most current review
5 standards.

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

11 The department's decision on consistency of a comprehensive plan constitutes final agency
12 action.

13 A finding by the department pursuant to paragraph ~~D~~ D-1 that a comprehensive plan is
14 consistent with the ~~procedures~~, goals, requirements and guidelines established in this
15 subchapter is valid for 12 years from the date of its issuance. A finding by the former State
16 Planning Office issued pursuant to this subchapter prior to December 31, 2000 that a
17 comprehensive plan is consistent with the procedures, goals and guidelines established in
18 this subchapter is valid until December 31, 2012. For purposes of section 4314, subsection
19 3 and section 4352, subsection 2, expiration of a finding of consistency pursuant to this
20 subsection does not itself make a comprehensive plan inconsistent with the ~~procedures~~,
21 goals, requirements and guidelines established in this subchapter.

22 **4. Updates and amendments.** A municipality or multimunicipal region may submit
23 proposed amendments to a comprehensive plan or growth management program to the
24 department for review in the same manner as provided for the review of new plans and
25 programs. Subsequent to voluntary certification under this subsection, the municipality or
26 multimunicipal region shall file a copy of an amendment to a growth management program
27 with the department within 30 days after adopting the amendment and at least 60 days prior
28 to applying for any state grant program that offers a preference for consistency or
29 certification.

30 **5. Regional councils.** Subject to the availability of funding and pursuant to the
31 conditions of a contract, each regional council shall review and submit written comments
32 on the comprehensive plan or growth management program of any municipality or
33 multimunicipal region within its planning region. The comments must be submitted to the
34 department and contain an analysis of:

35 A. Whether the comprehensive plan or growth management program is compatible
36 with identified regional policies and needs; and

37 B. Whether the comprehensive plan or growth management program is compatible
38 with plans or programs of municipalities or multimunicipal regions that may be
39 affected by the proposal.

40 **Sec. 16. 30-A MRSA §4352, sub-§6**, as amended by PL 2003, c. 688, Pt. C, §20,
41 is further amended to read:

42 **6. Effect on State.** A zoning ordinance that is not consistent with a comprehensive
43 plan that is consistent with the provisions of section 4326 ~~4326-A~~ is advisory with respect
44 to the State. Except as provided in this section, a state agency shall comply with a zoning

1 ordinance consistent with a comprehensive plan that is consistent with the provisions of
2 section ~~4326~~ 4326-A in seeking to develop any building, parking facility or other publicly
3 owned structure. The Governor or the Governor's designee may, after public notice and
4 opportunity for public comment, including written notice to the municipal officers, waive
5 any use restrictions in those ordinances upon finding that:

6 A. The proposed use is not allowed anywhere in the municipality;

7 B. There are no reasonable alternative sites for or configurations of the project within
8 the municipality that would achieve the necessary public purposes;

9 C. There are no reasonable alternatives to the project, including sites in other
10 municipalities, that would achieve the necessary public purposes;

11 D. The project will result in public benefits beyond the limits of the municipality,
12 including without limitation, access to public waters or publicly owned lands; and

13 E. The project is necessary to protect the public health, welfare or environment.

14 A decision to waive a restriction under this section may be appealed by the municipality or
15 any aggrieved party to Superior Court.

16 **Sec. 17. 30-A MRSA §5953-D, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt.
17 JJ, §27 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended by
18 amending subparagraph (2), division (a) to read:

19 (a) Has adopted a comprehensive plan that is determined by the Executive
20 Department, former State Planning Office or the Department of Agriculture,
21 Conservation and Forestry to be consistent with section ~~4326~~, ~~subsections 1 to~~
22 4 4326-A.

23 **Sec. 18. 30-A MRSA §5953-D, sub-§4-A**, as amended by PL 2003, c. 288, §3, is
24 further amended to read:

25 **4-A. Criteria; conditions for downtown improvement grants or loans.** The
26 Department of Economic and Community Development, in conjunction with the bank,
27 shall develop criteria and conditions for the award of downtown improvement grants or
28 loans to eligible municipalities after consultation with the state agencies listed in subsection
29 5 and subject to the requirements of this section. The department shall establish a
30 preference for municipalities that are regional service centers or urban compact
31 municipalities or have adopted a comprehensive plan consistent with section ~~4326~~ 4326-A.

32 **Sec. 19. Department to adopt rules.** The Department of Agriculture,
33 Conservation and Forestry, Bureau of Resource Information and Land Use Planning shall
34 amend existing rules governing the growth management program to be consistent with the
35 laws governing the program as amended by this Act. Notwithstanding the Maine Revised
36 Statutes, Title 30-A, section 4312, subsection 4, rules adopted pursuant to this section are
37 major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The following
38 placetype descriptions must be incorporated into the rules.

39 **1. Adjacent neighborhood.** "Adjacent neighborhood" means a primarily residential
40 area located adjacent to a village center, downtown or high-impact corridor. Adjacent
41 neighborhoods are predominantly developed for residential activities and are typically
42 arranged along a network of interconnected streets.

1 **2. Adjacent rural lands.** "Adjacent rural lands" means large undeveloped land areas
2 adjacent to rural backlands and to areas where there is development activity. Adjacent rural
3 lands typically include land located behind lots along rural roads or adjacent to a rural
4 center, village or other placetype. Adjacent rural lands can also be located adjacent to
5 suburban areas. Because of proximity to land where development is present, adjacent rural
6 lands are a high priority for local planning and policy work to verify goals for future land
7 use.

8 **3. Advanced suburban area.** "Advanced suburban area" means an area where low-
9 density development has spread from the road frontage deeper into lots and to adjacent
10 rural land. Development within these areas is typically segregated by use and may include
11 commercial strip malls, regional shopping centers, so-called big box retail development,
12 office parks, residential subdivisions and other forms of single-use development.
13 Advanced suburban areas result in disconnected development and fragmented open spaces
14 disconnected from a larger network of habitat corridors, trails and other natural systems.

15 **4. Rural backlands.** "Rural backlands" means geographically isolated areas with no
16 direct frontage onto public roads. Rural backlands often have very little or no development
17 and may be intersected by trails and utility corridors. These areas may contain conserved
18 lands, critical natural resources and important natural resources. Depending on local
19 municipal land use policies, rural backlands may be targeted for conservation, as working
20 lands, or for development that limits impacts on wildlife, water management, agricultural
21 uses and active outdoor recreation activities.

22 **5. Rural center.** "Rural center" means an area with a grouping of 2 or more buildings
23 that have formed a center of community within a rural area. It may include historic or
24 architecturally important or significant buildings. A rural center can vary in size but is
25 geographically smaller in size than a village placetype.

26 **6. Rural farmstead.** "Rural farmstead" means a parcel of land that serves or has the
27 potential to serve as a mixed-use, resource-based economic center of activity in a rural area.
28 A rural farmstead may consist of adjacent buildings on a single parcel that support the
29 commercial, residential and economic needs of a rural agricultural or forestry business. A
30 rural farmstead allows for mixed-use development in rural areas to provide economic
31 options to rural landowners while also safeguarding the agricultural and forest sectors from
32 fragmented low-density development.

33 **7. Rural road.** "Rural road" means a road that has the characteristics of a rural area,
34 with homes and businesses occurring at infrequent intervals on lots that often exceed 5
35 acres in size, and are frequently much larger, with driveways that typically occur an average
36 of every 500 feet or more. Rural roads have no geographic center, except where punctuated
37 by rural centers.

38 **8. Suburban road.** "Suburban road" means an area along the frontage of a road where
39 incremental development slowly transitions a rural road to a suburban one. Suburban roads
40 have more frequent curb cuts than a rural road, typically occurring an average of every 500
41 feet or less. Buildings are typically located on lots of one to 3 acres, created through lot
42 splits and subdivisions of larger parcels. Development typically includes a range of uses,
43 including residential, commercial, industrial and office uses, each separated from the other.
44 Buildings are typically located within view of the road and each other, changing the
45 perception of the area from rural to suburban.

1 **9. Village.** "Village" means an area with a loose grouping of buildings
2 accommodating a variety of uses and serving as a center for commerce, living, education
3 and social interaction within a community. Villages typically include a loose network of
4 streets, with a main street running through the center. The placement of buildings on lots,
5 the distance between buildings and the pattern of streets and blocks are looser and more
6 irregular than a downtown placetype.

7 **Sec. 20. Department to convene stakeholder group.** Prior to initiating
8 rulemaking as required by this Act, the Director of the Bureau of Resource Information and
9 Land Use Planning within the Department of Agriculture, Conservation and Forestry shall
10 convene a stakeholder group for the purpose of soliciting input on the development of rules
11 necessary to implement the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2,
12 as amended by this Act. The stakeholder group may not exceed 10 members, excluding
13 the director. Members of the stakeholder group must represent the following agencies or
14 groups:

- 15 1. The Department of Economic and Community Development;
- 16 2. The Office of Policy Innovation and the Future;
- 17 3. A statewide organization representing the interests of municipalities;
- 18 4. A regional council established under Title 30-A, chapter 119, subchapter 1;
- 19 5. An organization that advocates for the protection of natural resources;
- 20 6. An organization or group that advocates for the development of affordable housing;
- 21 and
- 22 7. Representatives from at least 3 municipalities of varying populations and, if feasible,
23 with varying forms of local government.

24 **Sec. 21. Department to develop guidance for public participation.** The
25 Department of Agriculture, Conservation and Forestry, Bureau of Resource Information
26 and Land Use Planning shall develop guidance materials describing strategies for
27 soliciting, encouraging and incorporating public input into the development of a
28 comprehensive plan and as required by the Maine Revised Statutes, Title 30-A, section
29 4324, subsection 3. At a minimum, the guidance materials must include:

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

1 5. Ways to make a draft comprehensive plan easily accessible to the public to solicit
2 feedback from the public on the draft comprehensive plan.

3 **Sec. 22. Savings clause.** This Act does not apply to a comprehensive plan or growth
4 management program under the Maine Revised Statutes, Title 30-A, section 4314,
5 subsection 1 that was submitted to the Department of Agriculture, Conservation and
6 Forestry for certification before the final adoption of rules necessary to implement Title
7 30-A, chapter 187, subchapter 2 as authorized by Title 38, section 4312 and affected by
8 section 19 of this Act.

9 **Sec. 23. Appropriations and allocations.** The following appropriations and
10 allocations are made.

11 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

12 **DACF Administration 0401**

13 Initiative: Provides funding for the technology management costs associated with one
14 Policy Development Specialist position.

15 GENERAL FUND	2023-24	2024-25
16 All Other	\$0	\$3,292
17		
18 GENERAL FUND TOTAL	\$0	\$3,292

20 OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
21 All Other	\$0	\$647
22		
23 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647

24 **Geology and Resource Information Z237**

25 Initiative: Provides one-time funding for contracted facilitation services.

26 GENERAL FUND	2023-24	2024-25
27 All Other	\$0	\$31,500
28		
29 GENERAL FUND TOTAL	\$0	\$31,500

30 **Geology and Resource Information Z237**

31 Initiative: Provides funding for one limited-period Policy Development Specialist position
32 and associated All Other costs.

33 GENERAL FUND	2023-24	2024-25
34 Personal Services	\$0	\$126,878
35 All Other	\$0	\$3,500
36		
37 GENERAL FUND TOTAL	\$0	\$130,378

38
39 **AGRICULTURE, CONSERVATION AND**
40 **FORESTRY, DEPARTMENT OF**

41 DEPARTMENT TOTALS	2023-24	2024-25
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1			
2	GENERAL FUND	\$0	\$165,170
3	OTHER SPECIAL REVENUE FUNDS	\$0	\$647
4			
5	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$165,817
6			

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

9 **SUMMARY**

10 This amendment replaces the bill. The amendment makes several changes to the laws
11 governing the growth management program, which establishes a process for
12 comprehensive planning as well as a process to have a municipality's growth management
13 program certified by the Department of Agriculture, Conservation and Forestry, Bureau of
14 Information Resources and Land Use Planning. Municipalities with a certified growth
15 management program receive preferred status with regard to state capital investments. The
16 amendment adds the following goals to the existing state goals of the program:

- 17 1. Encouraging municipalities to focus new development in growth areas to enable
18 efficient use of existing infrastructure and public services;
- 19 2. Adding transportation infrastructure and public services to the goal of planning for
20 anticipated growth;
- 21 3. Promoting land use policies that encourage the siting and construction of attainable
22 and affordable housing in reasonable proximity to jobs and services and to develop policies
23 that remove barriers to housing production;
- 24 4. Promoting the viability of agriculture, protecting access to farmland and
25 safeguarding agricultural resources from development;
- 26 5. Ensuring that policies that accommodate older residents to age in place include
27 consideration of appropriate housing and transportation access; and
- 28 6. When planning to address the effects of sea-level rise and flooding, adding a focus
29 on building resilience to natural hazards.

30 The amendment replaces the components of a comprehensive plan in current law and
31 provides that a comprehensive plan must include the following components: inventory and
32 mapping, needs analysis, the establishment of goals, implementation and strategy and a
33 regional coordination program, many of which require graphic illustrations as well as
34 narrative elements.

35 The inventory and mapping component of the plan requires an inventory and mapping
36 of environmental systems and critical natural resources to be supported by the use of
37 mapping conducted by state agencies, including habitat conservation mapping done by the
38 Department of Inland Fisheries and Wildlife among other sources. The mapping
39 component of the comprehensive plan also requires mapping of conserved areas, rural
40 areas, suburban areas and centers served by infrastructure and services that support daily
41 life activities such as downtowns, villages, rural centers and high-impact corridors. The
42 amendment requires that the comprehensive plan identify growth areas in these centers

1 where investment, including state investment, may be necessary to implement the
2 municipality's comprehensive plan.

45 The needs analysis component of the plan identifies conditions that exist or should
46 exist in the municipality because they are necessary to support housing, economic growth
47 and development, public health and safety and protection of the environment. A needs
48 analysis must demonstrate that the plan was developed with rigorous public input. The
49 amendment also directs the department to provide guidance on best practices to engage the
50 community in developing the comprehensive plan.

51 The amendment requires that the plan identify goals to meet the needs identified by the
52 plan as well as an implementation and strategy section that describes, in narrative and
53 graphic format, how the goals will be implemented in the designated growth areas
54 identified in the plan.

55 The amendment requires the inclusion of a regional coordination program component
56 of the comprehensive plan for the purpose of planning to manage shared resources and
57 facilities with other municipalities.

58 The amendment makes changes with regard to processes used by the Department of
59 Agriculture, Conservation and Forestry to determine if a growth management program or
60 comprehensive plan is consistent with the goals, requirements and guidelines governing
61 the growth management program.

62 The amendment further provides that rules adopted based on the changes made to the
63 growth management program are major substantive rules. The amendment adds specific
64 requirements for what must be included in the rules adopted by the Department of
65 Agriculture, Conservation and Forestry and directs the department to convene a stakeholder
66 group prior to initiating a rule-making process.

25 **FISCAL NOTE REQUIRED**
26 **(See attached)**