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May 8, 2025

**Testimony of Representative Melanie Sachs introducing  
*LD 1940, An Act to Revise the Growth Management Program Laws*  
Before the Joint Standing Committee on Housing and Economic Development**

Senator Curry, Representative Gere and esteemed members of the Joint Standing Committee on Housing and Economic Development, my name is Melanie Sachs and I am honored to represent the community of Freeport in the Maine Legislature. I am here today to introduce **LD 1940, An Act to Revise the Growth Management Program Laws**.

Comprehensive planning is the tool that Maine municipalities—large and small—use to envision, plan for and shape the future of their communities. These plans are vital in addressing some of the most pressing challenges our communities face today, including:

- Rebuilding or diversifying local economies affected by long-term industry shifts;
- Adapting to the impacts of climate change, which demand a fundamental rethinking of infrastructure, public services and housing;
- Tackling severe housing shortages that threaten affordability and hinder the attraction of new workers and families;
- Aligning services and policies with changing demographics.

Despite the increasing complexity of these issues, Maine's Growth Management statute—now 34 years old—has not seen significant statutory updates in decades. While the Department has made rule-based revisions since 2011, these changes have been incremental and insufficient to meet today's needs.

Currently, the comprehensive planning process emphasizes the completion of an exhaustive inventory checklist, which often lacks relevance or practical utility for many communities. This process is burdensome and time-consuming, straining volunteer capacity, delaying decision-making and resulting in plans that sit unused rather than serving as living, guiding documents.

There is broad consensus that the current process is flawed. However, opinions on how to fix it vary. The Growth Management Act (GMA) emerged as a top concern of the Legislative Housing Commission during the 130th Legislature and again at the 2022 GrowSmart Maine/Build Maine roundtable. These two organizations, known for their commitment to inclusive and strategic

planning, have led a robust, grassroots policy initiative to modernize the GMA. I joined early in this process.

Over the course of many months, we hosted webinars, conducted outreach, held work sessions and community meetings and engaged hundreds of stakeholders. These included municipal officials, state agencies (GOPIF, DACF, MaineHousing, MOCA), regional planning entities, housing advocates, economic and environmental organizations and citizens from communities of all sizes.

**LD 1940 is the result of hundreds of hours of collaborative effort, grounded in the lived experiences and expertise of those involved in comprehensive planning across Maine.** I encourage you to review the provided handout, which highlights key elements of this collaboration.

- Definitions were updated with input from subject matter experts, including GOPIF, Maine Housing, the Maine Council on Aging, Maine Farmland Trust, the Municipal Planning Assistance Program, Maine Audubon, the Maine Municipal Association and the Maine Planners Association (MAP).
- The State Goals section was refined in partnership with many of the same organizations. I even consulted the Maine Coast Fisherman's Association to ensure accuracy and relevance for goal G.
- On page 8, we repealed an outdated section based on MAP's recommendation and with confirmation from the Director of the Maine Office of Community Affairs.
- On page 9, we incorporated all of MAP's proposed revisions to Section 11.

Where LD 1940 fundamentally differs from LD 1751 is in what it requires municipalities to submit as part of their comprehensive plans. LD 1751 introduces new tiers and mandates via departmental rulemaking, creating additional complexity without immediate benefit. In contrast, **LD 1940 provides a clear, transparent framework grounded in local priorities, focused on outcomes and accessible through existing resources.**

Rather than relying on a burdensome checklist, LD 1940 empowers communities to engage in meaningful visioning and targeted planning. The process is streamlined, reducing cost and volunteer burnout. It encourages efficient use of public services and infrastructure while directing growth away from sprawl and towards sustainable development patterns.

The planning process begins by identifying local natural resources using IF&W Beginning with Habitat maps (already required under current rules), local conservation data and information about tree growth and other resources. Climate vulnerability assessments or local climate action plans—already prioritized for state grants under current GMA rules—are accessible through tools available from the Municipal Planning Assistance Program and the Department of Transportation.

Current GMA requires communities to designate “growth”, “rural” and “transitional” areas. LD 1940 encourages them to think more deeply about what those land uses are, which is where

placetypes are introduced. Is it a village? A suburban neighborhood? Rural farmland? We provide just nine definitions of placetypes in unallocated language to form a baseline for understanding of placetypes, but note that communities can label these in any manner that makes sense to their community. Designating growth areas—being intentional about where a community would like to encourage development—are key conversations. Public participation plays a central role in answering these questions and in building consensus. Data gathering is driven by needs analysis of the community, not regurgitated metrics for a checklist. The focus is on implementation of this clear vision as the community sets priorities.

Existing GMA exemptions to designation of growth areas are retained. Communities do not have to have zoning, nor are they forced to in this framework. This framework emerged from real-world community experiences and is built on strategies that have been tested over many years, as you will hear today. Tiers are not necessary if you build a process that is accessible to every community. This is not a one size fits all solution. Instead, it shifts the planning paradigm from top-down mandates from the state to grassroots-driven implementation.

LD 1940 also calls for the creation of a stakeholder group to guide the development of rules for implementation—another consensus outcome from discussions during the 131st session. Instead of rulemaking in a vacuum, this was negotiated as a way to invite thoughtful conversations to identify what additional technical assistance and guidance would be needed moving forward.

In closing, LD 1940 reflects a thoughtful, inclusive and practical modernization of Maine's growth management laws. I urge the Committee to vote in favor of LD 1940.

Thank you for your time and consideration. I'm happy to answer any questions.

Additional suggestions I received since the bill draft was released:

Pg. 2. 4-C Conserved Lands: “Conserved Lands means any ~~natural or rural~~ lands that are protected (comment: natural or rural redundant) (MOCA)

Pg. 7 D-1. To promote land use policies and land use ordinances that encourage the rehabilitation of existing housing, the siting and construction of attainable housing and affordable housing in reasonable proximity to jobs and services, and to site new housing in locations that decreases household transportation costs and reduces traffic congestion on regional roadways; (Maine Housing)

Pg. 8 section H. Remove “forest soils” (Town of Rumford)

Pg. 9 Section 9.3 Concerns that “incorporating” of public input seems difficult to prove- would suggest “consider” or something else (Town of Rumford)

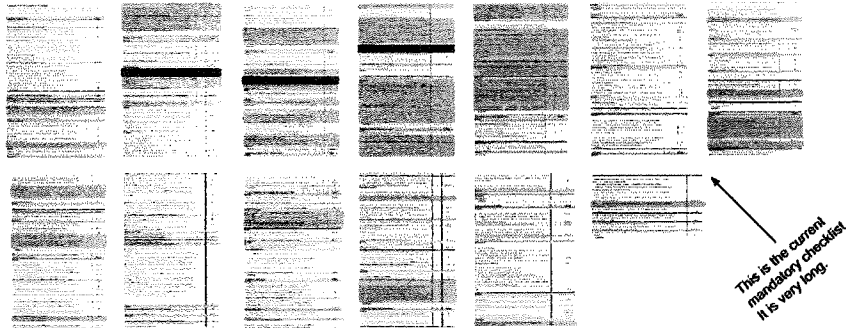
Pg 10. Inventory A. Mapping of environmental systems data and other information important to making land use decisions which must include, but is not limited to: all critical natural resources, important natural resources, and all data layers provided by the Department of Inland Fisheries and Wildlife's Beginning with Habitat mapping program, including those layers that are subject to state and federal rules and regulations intended to preserve natural resources; (comment: unnecessary; MOCA)

Pg. 10 Inventory and Mapping - This should be clarified so people are clear that the other important information does not necessarily need to be mapped if it is not already on the BwH maps, but this information should inform the plan- narrative can serve as inventory. (Planner)

Pg. 10 Need to consider timeliness of climate action plan – some towns may have completed it 10 years ago, and not updated it (Planner)

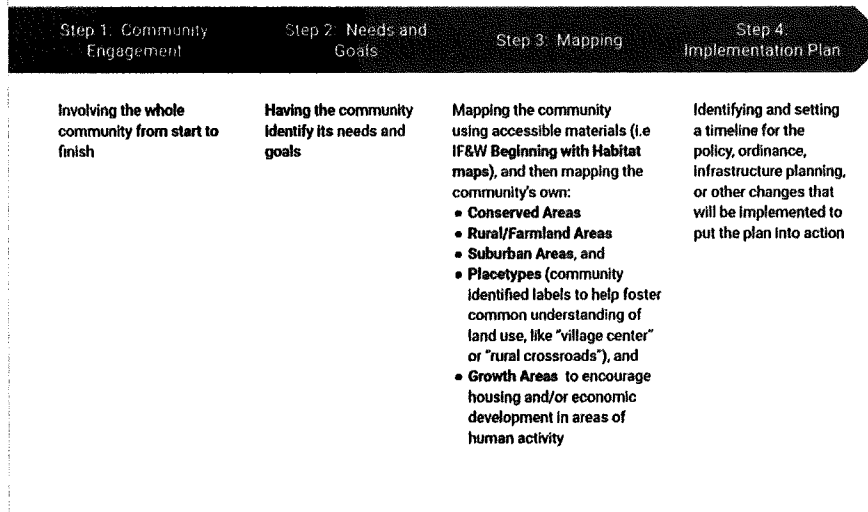
Pg 12. The intent under Goals 3: B. Align with state goals listed in section 4312; plan must note if a state goal is not applicable to the municipality or multimunicipal region; was designed to acknowledge that not all state goals, particularly the marine resources industry (G) or coastal management plans (O), are applicable to every community. (MOCA has suggested tightening up this language.)

## What the process currently looks like:



## LD 1940 Proposed Process: Clearly Outlined

### Four Steps in Comprehensive Planning



## LD 1751 Proposed Process: Mandates and TBD

"The analysis must include 10-year projections of local and regional growth in population and residential, commercial and industrial trends; the best available projection of trends in economic activity; the projected need for public facilities and services; and the vulnerability of and potential impacts on natural resources. The department shall adopt rules to establish a tiered framework for inventory requirements based on municipal and regional conditions."

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

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

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

4 **§4301. Definitions**

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

7 **1. Affordable housing.** "Affordable housing" means a decent, safe and sanitary  
8 dwelling, ~~apartment or other living accommodation for a household whose income does~~  
9 ~~not exceed 80% of the median income for the area as defined by the United States~~  
10 ~~Department of Housing and Urban Development under the United States Housing Act of~~  
11 ~~1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, as follows:~~

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

Greg  
Payne  
← \*GOPIF

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

22 **1-A. Cluster development.** "Cluster development" means a form of development that  
23 allows a ~~subdivision~~ design in which individual lot sizes and setbacks are reduced in  
24 exchange for the creation of common open space and recreation areas, the preservation of  
25 environmentally sensitive areas, agriculture and silviculture and the reduction in the size  
26 of road and utility systems.

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due to  
Maine  
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Assoc.

27 **1-B. Age-friendly community.** "Age-friendly community" means a community  
28 where policies, services, settings and structures support and enable older people to actively  
29 age in place and that recognizes the capabilities, resources and needs of older adults, plans  
30 to meet the needs of older adults in flexible ways that support healthy and active aging,  
31 promotes the inclusion and contributions of older adults in all areas of community life,  
32 respects the self-determination and independence of older adults and protects those older  
33 adults who are most vulnerable.

Maine  
Council  
on  
Aging  
←

34 **1-C. Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained  
35 dwelling unit located within, attached to or detached from a single-family dwelling unit  
36 located on the same parcel of land.

37 **1-D. Agricultural soils.** "Agricultural soils" means farmland soils classified by the  
38 United States Department of Agriculture, Natural Resources Conservation Service and  
39 state soil and water conservation districts as prime farmland, unique farmland or farmland  
40 of statewide or local importance.

Maine  
Farmland  
Trust/  
National  
Farmland  
Trust

41 **1-E. Attainable housing.** "Attainable housing" means a decent, safe and sanitary  
42 dwelling or other living accommodation that a household whose income is greater than  
43 80% and less than 120% of the median income for the area as defined by the United States

↑ Greg Payne,  
GOPIF

1 Department of Housing and Urban Development under the United States Housing Act of  
2 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford without spending  
3 more than 30% of the household's monthly income on housing costs.

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

7 **3. Comprehensive plan.** "Comprehensive plan" means a document or interrelated  
8 documents that are consistent with the goals established under subchapter 2 containing the  
9 elements established under section 4326 ~~4326-A~~, subsections 1 to 4, ~~including the~~  
10 ~~strategies for an implementation program which are consistent with the goals and~~  
11 ~~guidelines established under subchapter II.~~

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

15 **4-A. Critical rural area.** "Critical rural area" means a rural an area that is specifically  
16 identified and designated by a municipality's or multimunicipal region's comprehensive  
17 plan within a rural area as deserving maximum protection from development ~~to preserve~~  
18 ~~natural resources and related economic activities that may include, but are not limited to,~~  
19 ~~significant farmland, forest land or mineral resources; high value wildlife or fisheries~~  
20 ~~habitat; scenic areas; public water supplies; scarce or especially vulnerable natural~~  
21 ~~resources; flood buffer areas and flood-prone areas; and open lands functionally necessary~~  
22 ~~to support a vibrant rural economy.~~

23 **4-B. Critical waterfront area.** "Critical waterfront area" means a shorefront area  
24 characterized by functionally water-dependent uses, as defined in Title 38, section 436-A,  
25 subsection 6, and specifically identified and designated by a municipality's or  
26 multimunicipal region's comprehensive plan as deserving maximum protection from  
27 incompatible development.

28 **4-C. Conserved lands.** "Conserved lands" means any natural or rural lands that are  
29 protected from development through conservation easements, through ownership in fee by  
30 a municipality, the State, the Federal Government or a land conservation organization or  
31 through other mechanisms. "Conserved lands" includes lands under permanent fee or  
32 conservation easement as identified by the Department of Agriculture, Conservation and  
33 Forestry in its inventory of conservation lands and includes natural and traditionally  
34 managed lands identified in government-to-government relationships with the Wabanaki  
35 Nations. "Conserved lands" does not include lands with temporary protections such as  
36 lease agreements, shoreland or municipal land use restrictions, carbon offset projects or  
37 enrollment in tree growth or open space current use tax law programs in Title 36, chapter  
38 105, subchapters 2-A and 10, respectively.

39 **4-D. Critical natural resources.** "Critical natural resources" means:

40 A. Protected natural resources such as coastal sand dune systems, coastal wetlands,  
41 fragile mountain areas, freshwater wetlands, great ponds, rivers, streams or brooks and  
42 significant wildlife habitat as defined by Title 38, section 480-B, subsections 1, 2, 3, 4,  
43 5, 9 and 10, respectively;

Definition from  
the Maine  
Climate  
Council's  
Natural +  
Working Land  
Group

~ Section reviewed

by :

- Municipal Planning Assistance Program (MPAP)
- Maine Audubon

1 B. Habitats of threatened and endangered species and species of special concern as  
2 designated and mapped under Title 12, chapter 925;

3 C. Significant freshwater fisheries spawning habitat as identified and mapped by the  
4 Department of Inland Fisheries and Wildlife or the Department of Marine Resources;

5 D. Rare or exemplary natural communities as defined and mapped in the Natural Areas  
6 Program under Title 12, section 544; and

7 E. Areas containing threatened or endangered plant species in the Natural Areas  
8 Program under Title 12, section 544.

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

12 **5-A. Downtown.** "Downtown" means: the central business district of a community  
13 that serves as the center for socioeconomic interaction in the community and is  
14 characterized by a cohesive core of commercial and mixed-use buildings, often  
15 interspersed with civic, religious and residential buildings and public spaces, typically  
16 arranged along a main street and intersecting side streets, walkable and served by public  
17 infrastructure.

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

23 ~~B. An area identified as a downtown in a comprehensive plan adopted pursuant to~~  
24 ~~chapter 187, subchapter II.~~

25 **5-B. Growth-related capital investment.** "Growth-related capital investment"  
26 means investment by the State in only the following projects, even if privately owned,  
27 whether using state, federal or other public funds and whether in the form of a purchase,  
28 lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

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

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

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

35 D. Grants and loans for public or quasi-public service infrastructure, public or quasi-  
36 public facilities, bicycle and pedestrian infrastructure and community buildings; and

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

39 "Growth-related capital investment" does not include investment in the following: the  
40 operation or maintenance of a governmental or quasi-governmental facility or program; the  
41 renovation of a governmental facility that does not significantly expand the facility's  
42 capacity; general purpose aid for education; school construction or renovation projects;

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- Maine  
Assoc. of  
Planners  
suggestion  
of  
bike/ped  
(MAP)

↑ - Also reviewed by  
Maine Housing

1 highway or bridge projects; programs that provide direct financial assistance to individual  
2 businesses; community revenue sharing; or public health programs.

3 **5-C. Department.** "Department" means the Department of Agriculture, Conservation  
4 and Forestry Maine Office of Community Affairs under Title 5, section 3202.

5 **5-D. Development standards.** "Development standards" means performance and  
6 design standards for buildings, streets, civic spaces and sites that promote a pattern of  
7 development through the identification of characteristics unique to a placetype and to the  
8 areas that make up a placetype. Development standards may include, but are not limited  
9 to, street connectivity and design; location and design of civic spaces; building type, use,  
10 form, placement, arrangement and orientation on a lot; location of parking; storm water  
11 design; and other site design considerations.

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

15 **6-A. Impact fee.** "Impact fee" means a charge or assessment imposed by a  
16 municipality against a new development to fund or recoup a portion of the cost of new,  
17 expanded or replacement infrastructure facilities necessitated by and attributable at least in  
18 part to the new development.

19 **6-B. Impact fee ordinance.** "Impact fee ordinance" means an ordinance that  
20 establishes the applicability, formula and means by which impact fees are assessed.

21 **6-C. Growth area.** "Growth area" means ~~an area that is designated in a municipality's~~  
22 ~~or multimunicipal region's comprehensive plan as suitable for orderly residential,~~  
23 ~~commercial or industrial development, or any combinations of those types of development,~~  
24 ~~and into which most development projected over 10 years is directed a placetype or portion~~  
25 of a placetype that has been identified by a municipality or multimunicipal region in a  
26 comprehensive plan as an area for development and investment, including, but not limited  
27 to, new roads, utilities and infrastructure expansion. "Growth area" includes high-impact  
28 corridors.

29 **6-D. High-impact corridor.** "High-impact corridor" means a linear collection of  
30 predominantly commercial parcels of developed land along a road located proximate to a  
31 downtown or village center characterized by a low-density development pattern, with large  
32 areas of parking typically located between buildings and the road.

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

40 **7-A. Important natural resources.** "Important natural resources" means those areas  
41 in the community that are important for strategic conservation planning purposes and are  
42 not classified as critical natural resources, including, but not limited to:

43 **A. Large habitat blocks as identified by the Department of Inland Fisheries and**  
44 **Wildlife's beginning with habitat program;**

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MAP

1 B. Habitat connections as identified by the Department of Inland Fisheries and  
2 Wildlife's beginning with habitat program;

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

5 D. Exemplary natural communities as defined by the Natural Areas Program under  
6 Title 12, section 544;

7 E. Important water resources and associated riparian habitat as identified by the  
8 Department of Inland Fisheries and Wildlife's beginning with habitat program; or

9 F. Barriers and potential barriers to aquatic organism passage as identified by the  
10 Department of Inland Fisheries and Wildlife's beginning with habitat program.

11 For the purposes of this subsection, "beginning with habitat program" means the program  
12 that consolidates wildlife and habitat information from public agencies and private  
13 organizations in the State for use by municipalities and landowners.

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

17 **8-A. Local climate action plan.** "Local climate action plan" means a planning and  
18 decision-making document adopted by a municipality or multimunicipal region that:

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

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

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

28 **9. Growth management program.** "Growth management program" means a  
29 document containing the components described in section 4326 ~~4326-A~~, subsections 1 to  
30 4, including the implementation program, that is consistent with the goals and guidelines  
31 established by subchapter H 2 and that regulates land use beyond that required by Title 38,  
32 chapter 3, subchapter I 1, article 2-B.

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

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

41 **11-A. Multimunicipal region.** "Multimunicipal region" means a region made up of  
42 2 or more municipalities that work together to cooperatively establish a growth

1 management program or independent growth management programs that are unified with  
2 respect to the implementation of the state goal identified in section 4312, subsection 3,  
3 paragraph A A-1. The several municipalities in a multimunicipal region may establish the  
4 region pursuant to section 4325 or chapter 115.

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

7 **12-A. Placetype.** "Placetype" means a definable geographic settlement pattern  
8 identifiable by the type of activities that occur there and by a set of characteristics related  
9 to its location, including the proximity and relationship to natural resources and rural areas;  
10 the size of the developed area; the arrangement of buildings and their uses; the pattern and  
11 arrangement of streets; the type of infrastructure available; and the presence of civic spaces  
12 and civic buildings.

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

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

18 **14-A. Service center community.** "Service center community" means a municipality  
19 or group of municipalities identified by the department according to a methodology  
20 established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-  
21 workers ratio, the amount of federally assisted housing and the volume of service sector  
22 jobs. Rules adopted pursuant to this subsection are routine technical rules as defined in  
23 Title 5, chapter 375, subchapter 2-A.

24 **14-B. Rural area.** "Rural area" means a geographic area that is identified and  
25 designated in a municipality's or multimunicipal region's comprehensive plan as an area  
26 that is deserving of some level of regulatory protection from unrestricted development for  
27 purposes that may include, but are not limited to, supporting farmland and agriculture,  
28 forest land and forestry, mineral resources and mining, open space, erosion mitigation,  
29 water retention, wildlife habitat, fisheries habitat, flood buffer areas and flood-prone areas,  
30 public water supplies, natural resources, open land and scenic lands, and away from which  
31 most development projected over 10 years is diverted. Characteristics of a rural area may  
32 include large tracts of open land, areas of conserved lands, working farms and forests and  
33 a pattern of development that is spaced apart with dense vegetation or large, open,  
34 undeveloped areas between buildings or groupings of buildings.

35 **14-C. Transitional area.** ~~"Transitional area" means an area that is designated in a~~  
36 ~~municipality's or multimunicipal region's comprehensive plan as suitable for a share of~~  
37 ~~projected residential, commercial or industrial development but that is neither intended to~~  
38 ~~accept the amount or density of development appropriate for a growth area nor intended to~~  
39 ~~provide the level of protection for rural resources afforded in a rural area or critical rural~~  
40 ~~area.~~

41 **14-D. Suburban area.** "Suburban area" means a geographic area characterized by a  
42 fragmented development pattern, typically segregated by use, that often occurs on formerly  
43 rural land and where roadways are generally curvilinear and noncontiguous.

1       **15-A. Zoning ordinance.** "Zoning ordinance" means a type of land use ordinance  
2 that divides a municipality into districts and that prescribes and reasonably applies different  
3 regulations in each district.

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

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

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

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

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

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

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

25       B. To plan for, finance and develop an a safe and efficient system of public facilities,  
26 transportation infrastructure and public services to accommodate anticipated growth  
27 and economic development, including planning new development, factoring in  
28 life-cycle costs and infrastructure maintenance and replacement;

29       C. To promote an economic climate which that increases job opportunities and overall  
30 economic well-being;

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

35       D-1. To promote land use policies and land use ordinances that encourage the siting  
36 and construction of attainable housing and affordable housing in reasonable proximity  
37 to jobs and services and to site new housing in locations that decrease household  
38 transportation costs and reduce traffic congestion on regional roadways;

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

Maine  
Housing

1 F. To protect the State's ~~other~~ critical natural resources and important natural  
2 resources, including, without limitation, wetlands, wildlife and fisheries habitat, sand  
3 dunes, shorelands, scenic vistas and unique natural areas;

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

Maine  
Coast  
Fisherman's  
Assoc.

7 H. To safeguard the State's agricultural and forest resources from development ~~which~~  
8 that threatens those resources, including protecting forest soils, agricultural soils and  
9 access to farmland and promoting the viability of agriculture, in addition to  
10 safeguarding agricultural resources from development;

Maine Farmland Trust

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

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

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

Maine Council on Aging

17 N. To plan for the effects of ~~the rise in sea level~~ natural hazards, including, but not  
18 limited to, rising sea level, coastal and riverine flooding and extreme weather, on  
19 buildings, transportation infrastructure, sewage treatment facilities and other relevant  
20 state, regional, municipal or privately held infrastructure, property or resources, to  
21 build resilience to natural hazards and to promote consistency with the state climate  
22 action plan under Title 38, section 577; and

GOPIF  
reviewed

23 O. To develop local and regional coastal management policies that are consistent with  
24 Title 38, section 1801 for any part of a municipality or multimunicipal region that is a  
25 coastal area.

MAP  
suggestion

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.** A municipal comprehensive plan adopted or amended by a  
29 municipality ~~under former Title 30, chapter 239, subchapter 5 or 6~~ remains in effect until  
30 amended or repealed in accordance with the procedures, goals and guidelines requirements  
31 established in this subchapter. A comprehensive plan that is submitted to the department  
32 for certification prior to the final adoption of rules initiated after July 1, 2026 must be  
33 reviewed by the department based on provisions of this subchapter and associated rules in  
34 effect as of January 1, 2026.

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

Repealed  
at MAP  
suggestion,  
confirmed  
w/ MOCA

37 **Sec. 7. 30-A MRSA §4314, sub-§3, ¶E**, as repealed and replaced by PL 2005, c.  
38 397, Pt. A, §31, is amended to read:

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

1       **Sec. 8. 30-A MRSA §4314, sub-§3, ¶F**, as amended by PL 2011, c. 655, Pt. JJ,  
2       §16 and affected by §41, is repealed.

3       **Sec. 9. 30-A MRSA §4324, sub-§3**, as amended by PL 2001, c. 578, §13, is further  
4       amended to read:

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

Maine  
Municipal  
Association

17       **Sec. 10. 30-A MRSA §4324, sub-§8, ¶B**, as amended by PL 2003, c. 641, §8, is  
18       further amended to read:

19       B. A copy of the proposed comprehensive plan must be made available for public  
20       inspection at each municipal office or other convenient location with regular public  
21       hours at least 30 days before the hearing and made available on the municipality's  
22       publicly accessible website and by whatever means the municipality regularly  
23       publishes that municipality's public information. If modification of the plan is  
24       proposed pursuant to comments made at a public hearing, and if a follow-up public  
25       hearing is to be held, the proposed changes must be made available for public  
26       inspection at each municipal office or other convenient location with regular public  
27       hours before any follow-up hearing.

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

30       **§4325. Cooperative municipal growth management activities efforts**

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all  
MAP

31       This section governs cooperative growth management efforts conducted by 2 or more  
32       municipalities.

33       **1. Within municipality.** A municipality participating in cooperative growth  
34       management efforts may exercise its land use planning and management authority over the  
35       total land area within its jurisdiction.

suggestion  
in this  
section

36       **2. Multimunicipal region.** Any combination of municipalities may conduct joint  
37       planning and regulatory programs to meet the requirements of this subchapter upon  
38       adoption of a written comprehensive planning and enforcement agreement by the municipal  
39       legislative bodies involved. The municipalities must agree:

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

1 B. On the manner of representation on any such joint land use body; and

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

7 The comprehensive planning and enforcement agreement must be in writing, approved by  
8 the municipal legislative bodies for each municipality and forwarded to the department.

9 ~~3. Requirements. The comprehensive planning and enforcement agreement must be~~  
10 ~~in writing, approved by the municipal legislative bodies and forwarded to the office.~~

11 Sec. 12. 30-A MRSA §4326, as amended by PL 2023, c. 646, Pt. A, §§35 to 38, is  
12 repealed.

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

14 **§4326-A. Growth management program elements**

15 A growth management program must include at least a comprehensive plan, as  
16 described in subsections 1 to 5, including a timetable for the implementation program.

17 **1. Inventory and mapping. A comprehensive plan must include:**

18 A. Mapping of environmental systems data and other information important to making  
19 land use decisions, which must include, but is not limited to, all critical natural  
20 resources, all important natural resources and all data layers provided by the  
21 Department of Inland Fisheries and Wildlife's mapping under the beginning with  
22 habitat program as defined in section 4301, subsection 7-A, including those layers that  
23 are subject to state and federal laws, rules and regulations intended to preserve natural  
24 resources;

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MPAP,  
ME Audubon  
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25 B. Mapping of conserved lands, identified using data and maps from federal and state  
26 agencies, regional councils and relevant local sources, as applicable;

27 C. Identification of locally important farmland, agricultural soils, forest land, mineral  
28 resources, working waterfronts, heritage coastal areas, scenic areas, public water  
29 supplies, other lands and water important to the local or regional natural resource-based  
30 economy and land in Maine tree growth, farmland and open space and working  
31 waterfront protection tax programs in Title 36, chapter 105, subchapters 2-A, 10 and  
32 10-A, respectively. As used in this paragraph, "heritage coastal areas" means areas  
33 containing an assemblage of geological, botanical, zoological, historical or scenic  
34 features of exceptional state or national significance; and

35 D. A climate vulnerability assessment or local climate action plan.

← MPAP resource  
GOPIF

36 **2. Designation and mapping. A comprehensive plan must designate, map and**  
37 **describe:**

38 A. Rural areas, including any critical rural areas deserving of protection from  
39 unrestricted development, and open lands, including areas deserving additional  
40 protections not provided by federal or state law, rule or regulation or local ordinance.  
41 Within areas identified and mapped as rural areas or critical rural areas, the  
42 comprehensive plan must identify any existing or proposed placetypes within these

1 rural and critical rural areas, including, but not limited to, placetypes described in  
2 department rules such as rural centers, rural farmsteads, rural backlands, adjacent rural  
3 lands or rural roads;

4 B. Suburban areas, which may include identification of areas of existing suburban  
5 development, intended new suburban development or areas intended to transition from  
6 suburban development to another placetype. Within areas mapped as suburban areas,  
7 the comprehensive plan must identify any existing or proposed placetypes within these  
8 suburban areas, which may include, but are not limited to, placetypes described in  
9 department rules such as advanced suburban areas or suburban roads;

10 C. Areas or centers of existing or intended human and community activity, including  
11 placetypes not identified in paragraph A or B that are described in department rules,  
12 including existing or proposed downtowns, village centers, adjacent neighborhoods  
13 and high-impact corridors; and

14 D. Growth areas, which are placetypes or portions of placetypes identified and mapped  
15 pursuant to paragraph C, where investment by the municipality and the State may be  
16 necessary to implement the comprehensive plan. Identification of designated growth  
17 areas must be informed by and consistent with the needs analysis required by  
18 subsection 3 and the goals established under subsection 4.

19 The municipality or multimunicipal region may identify as its growth areas one or more  
20 growth areas adopted or to be adopted by one or more other municipalities or  
21 multimunicipal regions in accordance with an interlocal agreement adopted in  
22 accordance with chapter 115 with one or more municipalities or multimunicipal  
23 regions.

24 A municipality or multimunicipal region is not required to identify growth areas within  
25 the municipality or multimunicipal region for residential, commercial, industrial or  
26 mixed-use growth if it demonstrates, in accordance with rules adopted by the  
27 department pursuant to this article, that it is not possible to accommodate future  
28 residential, commercial or industrial growth within the municipality or multimunicipal  
29 region because of severe physical limitations, including, without limitation, the lack of  
30 adequate water supply and sewage disposal services, very shallow soils or limitations  
31 imposed by protected natural resources.

32 A municipality or multimunicipal region exercising the discretion afforded by this  
33 paragraph to not identify growth areas shall review the basis for its demonstration  
34 during the periodic revisions undertaken pursuant to section 4347-A.

35 This subsection does not prohibit a municipality or a multimunicipal region from  
36 identifying, describing or mapping placetypes not defined in this subchapter or in rules  
37 adopted pursuant to this subchapter. A municipality or multimunicipal region may use  
38 different names for placetypes defined in this subchapter or in rules adopted pursuant to  
39 this subchapter in order to reflect local nomenclature or preferences.

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

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1 For all areas identified under subsections 1 and 2, the comprehensive plan must identify  
2 needs related to ensuring protection of critical natural resources, water quality and, as  
3 applicable, access to coastal waters for commercial activities and protection of agricultural  
4 and forest resources.

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

11 **4. Goals.** The comprehensive plan must include a narrative section that outlines the  
12 goals the municipality or multimunicipal region has established to address each of the needs  
13 identified under subsection 3. The narrative must describe how the municipality's or the  
14 multimunicipal region's goals:

15 A. Address the needs identified pursuant to subsection 3;

16 B. Align with state goals listed in section 4312. The comprehensive plan must note if MOCA  
17 a state goal is not applicable to the municipality or multimunicipal region; and

18 C. Align or, if applicable, conflict with the goals of the region.

19 **5. Implementation strategy.** The comprehensive plan must include a section that  
20 describes how the goals established in subsection 4 will be implemented, including:

21 A. Identification of and a description of land use policies and land use ordinances to  
22 be adopted in order to align with the maps created pursuant to this section where those  
23 policies and ordinances are applicable;

24 B. For municipalities with zoning ordinances, establishment of development standards  
25 applicable to implement the goals in subsection 4;

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

27 D. Establishment of the timetable for the implementation program.

28 **Sec. 14. 30-A MRSA §4328**, as enacted by PL 2001, c. 592, §2, is amended to read:  
29 **§4328. Transfer of development rights**

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

37 **Sec. 15. 30-A MRSA §4346, 2nd ¶**, as amended by PL 2021, c. 590, Pt. A, §10, is  
38 further amended to read:

39 The department may enter into financial assistance grants only to the extent that funds  
40 are available. In making grants, the department shall consider the need for planning in a  
41 municipality or multimunicipal region, the proximity of the municipality or multimunicipal

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

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18 **Sec. 16. 30-A MRSA §4346, sub-§5**, as amended by PL 2013, c. 300, §6, is further  
19 amended to read:

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

- 33 B. Department of Economic and Community Development;
- 34 C. Department of Environmental Protection;
- 35 D. Department of Agriculture, Conservation and Forestry;
- 36 E. Department of Inland Fisheries and Wildlife;
- 37 F. Department of Marine Resources;
- 38 G. Department of Transportation;
- 39 G-1. Department of Health and Human Services;
- 40 H. Finance Authority of Maine; and
- 41 I. Maine State Housing Authority.

42 **Sec. 17. 30-A MRSA §4347-A, sub-§1**, as amended by PL 2011, c. 655, Pt. JJ,  
43 §21 and affected by §41, is further amended to read:

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

13           **Sec. 18. 30-A MRSA §4347-A, sub-§2**, as amended by PL 2011, c. 655, Pt. JJ,  
14 §21 and affected by §41, is further amended to read:

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

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

20           B. ~~Certification by the former State Planning Office or the department of a~~  
21 ~~municipality's or multimunicipal region's growth management program by the former~~  
22 ~~State Planning Office or the department charged with reviewing growth management~~  
23 ~~programs~~ under this article is valid for ~~10~~ 12 years. To maintain certification, a  
24 municipality or multimunicipal region shall periodically review its growth  
25 management program and submit to the department in a timely manner any revisions  
26 necessary to account for changes, including changes caused by growth and  
27 development. Certification does not lapse in any year in which the Legislature does not  
28 appropriate funds to the department for the purposes of reviewing programs for  
29 recertification.

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

36           **Sec. 19. 30-A MRSA §4347-A, sub-§3, ¶C**, as amended by PL 2011, c. 655, Pt.  
37 JJ, §21 and affected by §41, is further amended to read:

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

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

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

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

15 **Sec. 20. 30-A MRSA §4347-A, sub-§3-A**, as amended by PL 2011, c. 655, Pt. JJ,  
16 §21 and affected by §41, is further amended to read:

17 **3-A. Review of comprehensive plan.** In reviewing a comprehensive plan, the  
18 department shall:

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

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

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

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

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

42 ~~(2) If the department finds that the comprehensive plan was developed in~~  
43 ~~accordance with the procedures, goals and guidelines established in this~~

1 subchapter, the department shall issue a finding of consistency for the  
2 comprehensive plan.

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

7 D-1. If the department finds that a comprehensive plan was developed in accordance  
8 with the goals, requirements and guidelines established in this subchapter, issue a  
9 finding of consistency for the comprehensive plan. If the department finds that a  
10 comprehensive plan does not meet the requirements established in this subchapter, the  
11 department shall issue a finding of inconsistency and provide to the municipality or  
12 multimunicipal region recommendations for resolving the inconsistency;

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

15 F. Provide ample opportunity for the municipality or multimunicipal region submitting  
16 a comprehensive plan to respond to and ~~correct any identified deficiencies in the plan~~  
17 revise the plan to be consistent with the goals and requirements of this subchapter. A  
18 finding of inconsistency for a comprehensive plan may be addressed within 24 months  
19 of the date of the finding without addressing any new review standards that are created  
20 during that time interval. After 24 months, the plan must be resubmitted in its entirety  
21 for state review under the department's most current review standards.

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

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

30 A finding by the department pursuant to paragraph ~~D~~ D-1 that a comprehensive plan is  
31 consistent with the ~~procedures~~, goals and guidelines requirements established in this  
32 subchapter is valid for 12 years from the date of its issuance. ~~A finding by the former State~~  
33 ~~Planning Office issued pursuant to this subchapter prior to December 31, 2000 that a~~  
34 ~~comprehensive plan is consistent with the procedures, goals and guidelines established in~~  
35 ~~this subchapter is valid until December 31, 2012.~~ For purposes of section 4314, subsection  
36 3 and section 4352, subsection 2, expiration of a finding of consistency pursuant to this  
37 subsection does not itself make a comprehensive plan inconsistent with the procedures,  
38 goals and guidelines established in this subchapter.

39 **Sec. 21. 30-A MRSA §4352, sub-§6**, as amended by PL 2003, c. 688, Pt. C, §20,  
40 is further amended to read:

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

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

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

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

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

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

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

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

15 **Sec. 22. 30-A MRSA §5953-D, sub-§3, ¶D**, as amended by PL 2011, c. 655, Pt.  
16 JJ, §27 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended by  
17 amending subparagraph (2), division (a) to read:

18 (a) Has adopted a comprehensive plan that is determined by ~~the Executive~~  
19 ~~Department, former State Planning Office or the Department of Agriculture,~~  
20 ~~Conservation and Forestry~~ the Maine Office of Community Affairs,  
21 established in Title 5, section 3202, to be consistent with section ~~4326,~~  
22 ~~subsections 1 to 4~~ 4326-A.

23 **Sec. 23. 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. 24. Office to adopt rules.** The Maine Office of Community Affairs,  
33 established in the Maine Revised Statutes, Title 5, section 3202, shall amend existing rules  
34 governing the growth management program to be consistent with the laws governing the  
35 program as amended by this Act. Notwithstanding Title 30-A, section 4312, subsection 4,  
36 rules adopted pursuant to this section are major substantive rules as defined in Title 5,  
37 chapter 375, subchapter 2-A. The following placetype descriptions must be incorporated  
38 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 center or other placetype. Adjacent rural lands can also be located adjacent  
5 to suburban areas. Because of their proximity to land where development is present,  
6 adjacent rural lands are a high priority for local planning and policy work to verify goals  
7 for future land 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 center 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 of land. Development typically includes a range  
43 of uses, including residential, commercial, industrial and office uses, each separated from  
44 the other. Buildings are typically located within view of the road and each other, changing  
45 the perception of the area from rural to suburban.

1       **9. Village center.** "Village center" 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. Village centers typically include a loose  
4 network of streets, with a main street running through the center. The placement of  
5 buildings on lots, the distance between buildings and the pattern of streets and blocks are  
6 looser and more irregular than a downtown placetype.

7       **Sec. 25. Director to convene stakeholder group.** Prior to initiating rulemaking  
8 as required by this Act, the Director of the Maine Office of Community Affairs shall  
9 convene a stakeholder group for the purpose of soliciting input on the development of rules  
10 necessary to implement the Maine Revised Statutes, Title 30-A, chapter 187, subchapter 2,  
11 as amended by this Act. The stakeholder group may not exceed 17 members, excluding  
12 the director. Members of the stakeholder group are as follows:

- 13       1. The Director of the Maine Office of Community Affairs;
- 14       2. The program director of the Department of Agriculture, Conservation and Forestry's  
15       Municipal Planning Assistance Program;
- 16       3. A representative of the Housing Opportunity Program established in Title 5, section  
17       13056-J, as designated by the program's director;
- 18       4. A representative of the climate resilience program, as designated by the program's  
19       director;
- 20       5. A representative of the Office of Policy Innovation and the Future with expertise in  
21       housing, as designated by the director of that office;
- 22       6. The director of the Maine State Housing Authority or the director's designee; and
- 23       7. The following members, selected by and serving at the pleasure of the Director of  
24       the Maine Office of Community Affairs:
  - 25       A. A representative of a statewide association of municipalities;
  - 26       B. A representative of a statewide organization that advocates for farmland protection  
27       and farm viability;
  - 28       C. A representative of a statewide organization that advocates for smart growth;
  - 29       D. A representative of a statewide organization that represents land use planners;
  - 30       E. A representative of a statewide organization that advocates for conservation of  
31       wildlife and wildlife habitat in this State;
  - 32       F. A representative of a statewide organization that advocates for the creation and  
33       preservation of affordable housing;
  - 34       G. A representative of a statewide organization that advocates for responsible  
35       development and ownership of real estate;
  - 36       H. Representatives from at least 3 municipalities of varying populations; at least one  
37       of whom must be from a municipality that has completed a comprehensive plan that  
38       incorporates placetypes; and
  - 39       I. Representatives from at least 2 regional councils as established under Title 30-A,  
40       chapter 119, subchapter 1.

*Committee/  
Community  
Process  
from  
LD 1976*

