

§4312. Statement of findings, purpose and goals**1. Legislative findings.**

[PL 1991, c. 622, Pt. F, §16 (RP).]

2. Legislative purpose. The Legislature declares that it is the purpose of this Act to:

A. Establish, in each municipality of the State, local comprehensive planning and land use management; [PL 1991, c. 622, Pt. F, §17 (AMD).]

B. Encourage municipalities to identify the tools and resources to effectively plan for and manage future development within their jurisdictions with a maximum of local initiative and flexibility; [PL 1991, c. 622, Pt. F, §17 (AMD).]

C. Encourage local land use ordinances, tools and policies based on local comprehensive plans; [PL 1991, c. 622, Pt. F, §17 (AMD).]

D. Incorporate regional considerations into local planning and decision making so as to ensure consideration of regional needs and the regional impact of development; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

E. [PL 1991, c. 622, Pt. F, §18 (RP).]

F. Provide for continued direct state regulation of development proposals that occur in areas of statewide concern, that directly impact natural resources of statewide significance or that by their scale or nature otherwise affect vital state interests; [PL 2001, c. 578, §7 (AMD).]

G. Encourage the widest possible involvement by the citizens of each municipality in all aspects of the planning and implementation process, in order to ensure that the plans developed by municipalities have had the benefit of citizen input; and [PL 2001, c. 578, §7 (AMD).]

H. [PL 1991, c. 622, Pt. F, §20 (RP).]

I. Encourage the development and implementation of multimunicipal growth management programs. [PL 2001, c. 578, §8 (NEW).]

[PL 2001, c. 578, §§7, 8 (AMD).]

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

A. To encourage orderly growth and development in appropriate areas of each community and region while protecting the State's rural character, making efficient use of public services and preventing development sprawl; [PL 2001, c. 578, §9 (AMD).]

B. To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

C. To promote an economic climate which increases job opportunities and overall economic well-being; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

D. To encourage and promote affordable, decent housing opportunities for all Maine citizens; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

E. To protect the quality and manage the quantity of the State's water resources, including lakes, aquifers, great ponds, estuaries, rivers and coastal areas; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

F. To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and unique natural areas; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

G. To protect the State's marine resources industry, ports and harbors from incompatible development and to promote access to the shore for commercial fishermen and the public; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

H. To safeguard the State's agricultural and forest resources from development which threatens those resources; [PL 1989, c. 104, Pt. A, §45 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).]

I. To preserve the State's historic and archeological resources; [PL 2015, c. 349, §1 (AMD).]

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; [PL 2019, c. 38, §2 (AMD); PL 2019, c. 145, §2 (AMD); PL 2019, c. 153, §1 (AMD).]

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; [PL 2021, c. 293, Pt. A, §44 (AMD).]

L. To encourage municipalities to develop policies that accommodate older adults with aging in place and that encourage the creation of age-friendly communities; [RR 2019, c. 1, Pt. A, §37 (COR).]

REVISOR'S NOTE: Subsection 3, paragraph L as enacted by PL 2019, c. 145, §4 is REALLOCATED TO TITLE 30-A, SECTION 4312, SUBSECTION 3, PARAGRAPH M

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M. **(REALLOCATED FROM T. 30-A, §4312, sub-§3, ¶L)** To encourage municipalities to develop policies that provide for accessory dwelling units; and [PL 2021, c. 293, Pt. A, §45 (AMD).]

N. **(REALLOCATED FROM T. 30-A, §4312, sub-§3, ¶L)** To plan for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources. [PL 2019, c. 153, §3 (NEW); RR 2019, c. 1, Pt. A, §39 (RAL).]
[PL 2021, c. 293, Pt. A, §§44, 45 (AMD).]

4. Limitation on state rule-making authority. The department is authorized to adopt rules necessary to carry out the purposes of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. This section may not be construed to grant any separate regulatory authority to any state agency beyond that necessary to implement this subchapter.

[PL 2011, c. 655, Pt. JJ, §15 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

SECTION HISTORY

PL 1989, c. 104, §§A45,C10 (NEW). PL 1991, c. 622, §§F16-20 (AMD). PL 2001, c. 406, §2 (AMD). PL 2001, c. 578, §§7-9 (AMD). PL 2011, c. 655, Pt. JJ, §15 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2015, c. 349, §§1, 2 (AMD). PL 2019, c. 38, §§2-4 (AMD). PL 2019, c. 145, §§2-4 (AMD). PL 2019, c. 153, §§1-3 (AMD). RR 2019, c. 1, Pt. A, §§37-39 (COR). PL 2021, c. 293, Pt. A, §§44, 45 (AMD).

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