

### **§4346. Technical and financial assistance program**

The technical and financial assistance program for municipalities, regional councils and multimunicipal regions is established to encourage and facilitate the adoption and implementation of local, regional and statewide growth management programs. [PL 2001, c. 578, §19 (AMD).]

The department may enter into financial assistance grants only to the extent that funds are available. In making grants, the department shall consider the need for planning in a municipality or multimunicipal region, the proximity of the municipality or multimunicipal region to other areas that are conducting or have completed the planning process and the economic and geographic role of the municipality or multimunicipal region within a regional context. The department shall give priority in making grants to any municipality or multimunicipal region that has adopted a local climate action plan and, if the municipality or multimunicipal region has adopted a comprehensive plan or growth management program, prepared a climate vulnerability assessment pursuant to section 4326, subsection 1, paragraph L. The department may consider other criteria in making grants, as long as the criteria support the goal of encouraging and facilitating the adoption and implementation of local and multimunicipal growth management programs consistent with the procedures, goals and guidelines established in this subchapter. In order to maximize the availability of the technical and financial assistance program to all municipalities, multimunicipal regions and regional councils, financial assistance programs administered competitively under this article are exempt from rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, section 1825-C for use in the purchase of services and the awarding of grants and contracts. The department shall publish a program statement describing its grant program and advertising its availability to eligible applicants. [PL 2021, c. 590, Pt. A, §10 (AMD).]

#### **1. Planning assistance grants.**

[PL 1993, c. 721, Pt. A, §8 (RP); PL 1993, c. 721, Pt. H, §1 (AFF).]

#### **2. Implementation assistance grants.**

[PL 1993, c. 721, Pt. A, §9 (RP); PL 1993, c. 721, Pt. H, §1 (AFF).]

#### **2-A. Financial assistance grants.** A contract for a financial assistance grant must:

- A. Provide for the payment of a specific amount for the purposes of planning and preparing a comprehensive plan; [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]
- B. Provide for the payment of a specific amount for the purposes of implementing that plan; and [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]
- C. Include specific timetables governing the preparation and submission of products by the municipality or multimunicipal region. [PL 2001, c. 578, §19 (AMD).]

The department may not require a municipality or multimunicipal region to provide matching funds in excess of 25% of the value of that municipality's or multimunicipal region's financial assistance contract for its first planning assistance grant and implementation assistance grant. The department may require a higher match for other grants, including, but not limited to, grants for the purpose of updating comprehensive plans. This match limitation does not apply to distribution of federal funds that the department may administer.

[PL 2011, c. 655, Pt. JJ, §20 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

**2-B. Use of funds.** A municipality or multimunicipal region may expend financial assistance grants for:

- A. The conduct of surveys, inventories and other data-gathering activities; [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]
- B. The hiring of planning and other technical staff; [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]

C. The retention of planning consultants; [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]

D. Contracts with regional councils for planning and related services; [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]

E. Assistance in the development of ordinances; [PL 1993, c. 721, Pt. A, §10 (NEW); PL 1993, c. 721, Pt. H, §1 (AFF).]

F. Retention of technical and legal expertise; [PL 2001, c. 578, §19 (AMD).]

G. The updating of growth management programs or components of a program; [PL 2001, c. 578, §19 (AMD).]

G-1. Evaluation of growth management programs; and [PL 2001, c. 578, §19 (NEW).]

H. Any other purpose agreed to by the department and the municipality or multimunicipal region that is directly related to the preparation of a comprehensive plan or the implementation of a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter. [PL 2011, c. 655, Pt. JJ, §20 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]  
[PL 2011, c. 655, Pt. JJ, §20 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

**2-C. Program evaluation.** Any recipient of a financial assistance grant shall cooperate with the department in performing program evaluations required under section 4331.  
[PL 2011, c. 655, Pt. JJ, §20 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

**2-D. Encumbered balances at year-end.** Notwithstanding Title 5, section 1589, at the end of each fiscal year, all encumbered balances accounts for financial assistance and regional planning grants may be carried forward for 2 years beyond the year in which those balances are encumbered.  
[PL 2003, c. 641, §12 (NEW).]

**3. Technical assistance.** Using its own staff, the staff of other state agencies, contractors and the resources of the regional councils, the department shall provide technical assistance to municipalities or multimunicipal regions in the development, administration and enforcement of growth management programs. The technical assistance component of the program must include a set of model land use ordinances or other implementation strategies developed by the department that are consistent with this subchapter.  
[PL 2011, c. 655, Pt. JJ, §20 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

**4. Regional council assistance.** As part of the technical and financial assistance program, the department may develop and administer a program to develop regional education and training programs, regional policies to address state goals and regional assessments. Regional assessments may include, but are not limited to, public infrastructure, inventories of agricultural and commercial forest lands, housing needs, recreation and open space needs, and projections of regional growth and economic development. The program may include guidelines to ensure methodological consistency among the State's regional councils. To implement this program, the department may contract with regional councils to assist the department in reviewing growth management programs, to develop necessary planning information at a regional level or to provide support for local planning efforts.  
[PL 2011, c. 655, Pt. JJ, §20 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF).]

**5. Coordination.** State agencies with regulatory or other authority affecting the goals established in this subchapter shall conduct their respective activities in a manner consistent with the goals established under this subchapter, including, but not limited to, coordinating with municipalities, regional councils and other state agencies in meeting the state goals; providing available information to regions and municipalities as described in section 4326, subsection 1; cooperating with efforts to integrate and provide access to geographic information system data; making state investments and awarding grant money as described in section 4349-A; and conducting reviews of growth management

programs as provided in section 4347-A, subsection 3, paragraph A. Without limiting the application of this section to other state agencies, the following agencies shall comply with this subchapter:

- A. [PL 2011, c. 655, Pt. JJ, §20 (RP); PL 2011, c. 655, Pt. JJ, §41 (AFF).]
- B. Department of Economic and Community Development; [PL 1991, c. 780, Pt. E, §2 (NEW).]
- C. Department of Environmental Protection; [PL 1991, c. 780, Pt. E, §2 (NEW).]
- D. Department of Agriculture, Conservation and Forestry; [PL 1991, c. 780, Pt. E, §2 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]
- E. Department of Inland Fisheries and Wildlife; [PL 1991, c. 780, Pt. E, §2 (NEW).]
- F. Department of Marine Resources; [PL 1991, c. 780, Pt. E, §2 (NEW).]
- G. Department of Transportation; [PL 1991, c. 780, Pt. E, §2 (NEW).]
- G-1. Department of Health and Human Services; [PL 2001, c. 406, §8 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]
- G-2. [PL 2011, c. 655, Pt. JJ, §20 (RP); PL 2011, c. 655, Pt. JJ, §41 (AFF).]
- H. Finance Authority of Maine; and [PL 1991, c. 780, Pt. E, §2 (NEW).]
- I. Maine State Housing Authority. [PL 1991, c. 780, Pt. E, §2 (NEW).]  
[PL 2013, c. 300, §6 (AMD).]

#### SECTION HISTORY

PL 1991, c. 780, §E2 (NEW). PL 1993, c. 166, §8 (AMD). PL 1993, c. 721, §§A7-10 (AMD). PL 1993, c. 721, §H1 (AFF). PL 2001, c. 406, §§5-8 (AMD). PL 2001, c. 578, §19 (AMD). PL 2003, c. 641, §§10-12 (AMD). PL 2003, c. 689, §B6 (REV). PL 2011, c. 655, Pt. JJ, §20 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 300, §6 (AMD). PL 2021, c. 590, Pt. A, §10 (AMD).

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