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H.P. 1267

House of Representatives, May 18, 2023

An Act to Update the Growth Management Program Laws

Reference to the Joint Select Committee on Housing suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative SACHS of Freeport. Cosponsored by Senator HICKMAN of Kennebec and Representatives: FAY of Raymond, GATTINE of Westbrook, GERE of Kennebunkport, GOLEK of Harpswell, MATLACK of St. George, RANA of Bangor, Senator: PIERCE of Cumberland.

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 that is affordable to households with incomes up to 80% of the area median income.
~~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 for which the cost of~~
12 ~~occupancy is no more than 30% of the occupant's household income.~~

13

14 ~~**1-A. Cluster development.** "Cluster development" means a form of development that~~
15 ~~allows a subdivision design in which individual lot sizes and setbacks are reduced in~~
16 ~~exchange for the creation of common open space and recreation areas, the preservation of~~
17 ~~environmentally sensitive areas, agriculture and silviculture and the reduction in the size~~
18 ~~of road and utility systems.~~

19 **1-B. Age-friendly community.** "Age-friendly community" means a community
20 where policies, services, settings and structures support and enable older people to actively
21 age in place and that recognizes the capabilities, resources and needs of older adults, plans
22 to meet the needs of older adults in flexible ways that support healthy and active aging,
23 promotes the inclusion and contributions of older adults in all areas of community life,
24 respects the self-determination and independence of older adults and protects those older
25 adults who are most vulnerable.

26 **1-C. Accessory dwelling unit.** "Accessory dwelling unit" means a self-contained
27 dwelling unit located within, attached to or detached from a single-family dwelling unit
28 located on the same parcel of land.

29 **1-D. Adjacent neighborhood.** See Placetype, Adjacent Neighborhood.

30

1 **Attainable housing.** Attainable housing, also known as "middle-income housing" or "missing
middle housing", means a decent, safe and sanitary dwelling that is affordable to households with
incomes between 81-120% of the area median income.

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

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

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

4
5 **Critical Rural Area. See Rural Area, Critical.**

6 ~~**4-A. Critical rural area.** "Critical rural area" means a rural area that is specifically
7 identified and designated by a municipality's or multimunicipal region's comprehensive
8 plan as deserving maximum protection from development to preserve natural resources and
9 related economic activities that may include, but are not limited to, significant farmland,
10 forest land or mineral resources; high value wildlife or fisheries habitat; scenic areas;
11 public water supplies; scarce or especially vulnerable natural resources; flood buffer areas
12 and flood-prone areas; and open lands functionally necessary to support a vibrant rural
13 economy.~~

14 **4-B. Critical waterfront area.** "Critical waterfront area" means a shorefront area
15 characterized by functionally water-dependent uses, as defined in Title 38, section 436-A,
16 subsection 6, and specifically identified and designated by a municipality's or
17 multimunicipal region's comprehensive plan as deserving maximum protection from
18 incompatible development.

19 ~~**4-C. Conserved lands.** "Conserved lands" means lands specifically identified and
20 designated by a municipality's or region's comprehensive plan as having secured protection
21 from development through conservation easements, deed restrictions or ownership in fee
22 by the municipality, the State, the Federal Government or a land conservation organization
23 to preserve natural resources and related economic activities.~~

24 **4-D. Critical natural resources.** "Critical natural resources" means the following
25 natural resources:

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

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

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

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

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

34 F. Natural communities that are critically imperiled, imperiled or rare as defined and
35 mapped in the Natural Areas Program;

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

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

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

40 J. National natural landmarks designated by the National Park Service under 36 Code
41 of Federal Regulations, Section 62.

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

5-A. Downtown. **See Placetype, Downtown.**

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

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

8 **5-B. Growth-related capital investment.** "Growth-related capital investment"
9 means investment by the State in only the following projects, even if privately owned,
10 whether using state, federal or other public funds and whether in the form of a purchase,
11 lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

12 A. Construction or acquisition of newly constructed multifamily rental housing **within**
13 **designated growth areas;**

13 B. ~~Development~~ **Redevelopment of high-impact corridors and other designated**
growth areas that have illustrative plans, adopted neighborhood standards, and that
provide an opportunity for mixed-use development comprised of residential, light
industrial and/or business uses parks;

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

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

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

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

26 **5-C. Department.** "Department" means the Department of Agriculture, Conservation
27 and Forestry.

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

1 **6-A. Impact fee.** "Impact fee" means a charge or assessment imposed by a
2 municipality against a new development to fund or recoup a portion of the cost of new,
3 expanded or replacement infrastructure facilities necessitated by and attributable at least in
4 part to the new development.

5 **6-B. Impact fee ordinance.** "Impact fee ordinance" means an ordinance that
6 establishes the applicability, formula and means by which impact fees are assessed.
7

8 **6-C. Growth area.** "Growth area" means any placetype that has been identified by the
municipality or region in its comprehensive plan as an area for significant investment or
development. A growth area designation indicates that an area is considered appropriate for
development and support is needed to help with implementation of the plan. Placetypes are
not considered a growth area, unless the municipality makes that determination.

9
10 **6-D. High-impact corridor.** See Placetype, High-Impact Corridor.
11

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

19 **7-A. Important natural resources.** "Important natural resources" means those areas
20 in the community important for strategic conservation planning purposes, and not classified
21 as critical natural resources, including:

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

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

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

28 D. Exemplary natural community locations as defined under the Natural Areas
29 Program under Title 12, section 544.

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

1 **8-A. Local climate action plan.** "Local climate action plan" means a planning and
2 decision-making document adopted by a municipality or ~~multimunicipal~~ region that:

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

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

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

12 **9. Growth management program.** "Growth management program" means a
13 document containing the components described in section 4326, including the
14 implementation program, that is consistent with the goals and guidelines established by
15 subchapter H 2 and that regulates land use beyond that required by Title 38, chapter 3,
16 subchapter I 1, article 2-B.

17 **10. Planning committee.** "Planning committee" means the committee established by
18 the municipal officers of a municipality or combination of municipalities that has the
19 general responsibility established under sections 4324 and 4326.

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

25 ~~**11-A. Multimunicipal region.** "Multimunicipal region" means a region made up of
26 2 or more municipalities that work together to cooperatively establish a growth
27 management program or independent growth management programs that are unified with
28 respect to the implementation of the state goal identified in section 4312, subsection 3,
29 paragraph A. The several municipalities in a multimunicipal region may establish the
30 region pursuant to section 4325 or chapter 115.~~

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

33

12-A. Neighborhood standards. "Neighborhood standards" means performance and design standards for buildings, streets, civic spaces, and sites that enable a pattern of development that is walkable, mixed-income, and mixed-use. Neighborhood standards identify characteristics unique to a placetypes and to the areas that make up a placetype. These standards include street connectivity and design; pedestrian and bicycle facilities; location and design of civic spaces; building type, form, placement, arrangement, and orientation on a lot; location of parking; stormwater design; landscaping; and other site design considerations.

1 **13-A. Rate of growth ordinance.** "Rate of growth ordinance" means a land use
2 ordinance or other rule that limits the number of building or development permits issued
3 by a municipality or other jurisdiction over a designated time frame.

4 **13-B. Placetype.** "Placetype" means a familiar and definable geographic settlement pattern common to Maine and found across the landscape, from rural areas to densely settled downtown areas. Each placetype has a defining set of characteristics related to its location in the landscape: the proximity and relationship to natural resources and rural areas; the size of the developed area; the arrangement of buildings; the pattern and arrangement of streets; the types of activities that occur within buildings; the type of infrastructure available; and, the presence of civic spaces and civic buildings. If a municipality has zoning, a placetype may comprise multiple zoning districts and special districts. The following placetypes are identified and defined in this chapter: Downtown, Village, High Impact Corridor, Adjacent Neighborhood, and Rural Center.

Placetype, Adjacent Neighborhood. "Adjacent neighborhood" means a primarily residential area located within walking distance to a village center, downtown or high-impact corridor predominantly developed for residential activities prior to 1940 and typically include historic or architecturally important or significant buildings. Neighborhood-based amenities such as corner stores, churches, schools, and other civic buildings may be located in an adjacent neighborhood. Buildings may be located in close proximity or attached to each other. An adjacent neighborhood may include a network of streets that form blocks. Sidewalks may or may not be present.

Placetype, Downtown. "Downtown" means an area that accommodates a variety of uses and serves as the center for commerce, living, education, and social interaction in the community. A Downtown is characterized by a mix of multi-story buildings and public spaces. Downtowns include a network of streets, typically with a definable main street and intersecting side streets that form blocks. Buildings are located close together, may be attached, and are often located close to the street. Sidewalks are common. These areas were predominantly developed prior to 1940, and include historic or architecturally important or significant buildings. Downtowns are typically served by public infrastructure.

Placetype, High-impact Corridor. "High Impact Corridor" means a linear collection of parcels of developed land along a regional road that connects a downtown or village to outlying areas. High-impact corridors were predominantly developed prior to 1980 for commercial activities. This placetype is characterized by a low-density development pattern with large areas of parking typically located between buildings and the road. High Impact Corridors are often only one parcel deep and directly abut residential areas. Most high impact corridors have underutilized land area and potential for increased economic activity and housing development.

Rural Area, Rural Center. Rural Center means an area with a grouping of two or more buildings that have formed a center of community within a rural area. Rural centers were generally developed prior to 1940, and often include historic or architecturally important or significant buildings. Buildings tend to be loosely spaced but appear as an identifiable cluster of homes, civic buildings, and/or businesses, located in proximity to each other and near the street. Buildings tend to be located along a single road, or along a collection of roads that converge on the center of the area. A rural center can vary in size from a small collection of buildings to a hamlet or a crossroads with a greater

number of buildings and activity. A Rural Center is geographically smaller in size than the Village Placetype.

Placetype, Village. "Village" means an area with a loose grouping of buildings accommodating a variety of uses and serves as a center for commerce, living, education and social interaction within the community. Villages include a loose network of streets, with a main street running through the center. Buildings are typically close together, sometimes attached, and located close to the street. Sidewalks are common. These areas were predominantly developed prior to 1940, and typically include historic or architecturally important or significant buildings. Unlike Downtowns, the placement of buildings on lots, the distance between buildings, and the pattern of streets and blocks is looser and more irregular.

5 **13-C. Region.** "Region" means 2 or more municipalities that work together to
6 cooperatively establish a growth management program or independent growth management
7 programs that are unified with respect to the implementation of the state goal identified in
8 section 4312, subsection 3, paragraph A. "Region" includes a cooperative growth
9 management effort conducted by 2 or more municipalities under section 4325 or chapter
10 115.

12 **14. Regional council.** "Regional council" means a regional planning commission or
13 a council of governments established under chapter 119, subchapter 11.

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

21 **14-B. Rural area.** "Rural area" means a geographic area that is identified and
22 designated in a municipality's or multimunicipal region's comprehensive plan as an area
23 that is deserving of some level of regulatory protection from unrestricted development for
24 purposes that may include, but are not limited to, supporting agriculture, forestry, mining,
25 open space, erosion mitigation, water retention, wildlife habitat, fisheries habitat, and scenic
lands, public water supplies, scarce or especially vulnerable natural resources, and open lands
functionally necessary to support a vibrant rural economy, and away from which most
development projected over 10 years is diverted. Rural Areas were used predominantly for
agricultural and forest-based activities prior to 1940 and are dominated by large tracks of open
land, including conserved lands, important natural resources, and critical natural resources.
Development is spaced apart with dense vegetation and/or large open undeveloped areas between
buildings. Rural areas are typically punctuated by villages and rural centers. Buildings include a
number of uses, including residential and rural business uses, with many buildings of historical
or architectural importance or significance. Rural areas typically have fewer roads than suburban
areas. Rural areas do not contain sidewalks and are typically not served by public
infrastructure. Because of suburban zoning overlaid onto rural areas in the second half of the
20th century, many rural areas have experienced or at risk of suburban development.

Rural Area, Adjacent Rural Lands. Adjacent rural lands means large undeveloped land areas
adjacent to rural backlands, but also adjacent to areas where there is development
activity. Adjacent rural land typically includes land located behind lots along rural roads,

adjacent to a rural center, village, or other placetype. Adjacent rural lands can also be located behind suburban roads and adjacent to suburban areas. Because of proximity to land that is directly accessible to development, rural adjacent lands are susceptible to suburban development unless policy steps are taken to provide alternative development patterns.

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

Rural Area, Rural Backlands. Rural Backlands means geographically isolated areas with no direct frontage onto public roads. Oftentimes rural backlands have very little or no development and may be intersected by trails and utility corridors. These areas may contain conserved lands, critical natural resources, and important natural resources, as well as large tracks of land available for development. Depending on local municipal land use policies these rural lands may be redeveloped into estate lots, camp lots, or other forms of rural suburban sprawl that reduces access to these formerly open tracks for wildlife, water management, and active outdoor recreation.

Rural Area, Rural Road. Rural road means a road that has the characteristics of a rural area. Lots typically have their narrow end along the road frontage and extend deep into the interior of the undeveloped land area. Homes and businesses are common and occur at infrequent intervals on lots that often exceed 5 acres in size, and are frequently much larger, with driveways that typically occur an average of every 500 feet or more. Rural roads have no geographic center, except where punctuated by rural centers, but oftentimes have a sense of identity.

26 ~~**14-C. Transitional area.** "Transitional area" means an area that is designated in a~~
27 ~~municipality's or multimunicipal region's comprehensive plan as suitable for a share of~~
28 ~~projected residential, commercial or industrial development but that is neither intended to~~
29 ~~accept the amount or density of development appropriate for a growth area nor intended to~~
30 ~~provide the level of protection for rural resources afforded in a rural area or critical rural~~
31 ~~area.~~

32 **14-D. Rural Center. See Placetype, Rural Center.**

33

34 ~~**14-E. Rural farmstead.** "Rural farmstead" means a parcel of land that serves, or has~~
1 ~~the potential to serve, as a resource based economic center of activity in a rural area. A~~
2 ~~rural farmstead may consist of adjacent buildings on a single parcel that support the~~
3 ~~commercial, residential and economic needs of a rural agricultural or forestry business. A~~
4 ~~rural farmstead allows for mixed use development in rural areas to provide economic~~
5 ~~options to rural landowners while also safeguarding the agricultural and forest sectors from~~
6 ~~fragmented low density development. Farmsteads often include at least one existing residential or~~
~~agricultural building built before 1940 that have historic or architectural significance, and oftentimes~~
~~contain a mix of commercial and residential activities.~~

Suburban Areas. Suburban areas means fragmented development that occurs on formerly rural land. Streets within these areas tend to be curvilinear and discontinuous. Suburban areas may or may not have sidewalks and may or may not be served by public infrastructure, depending on the proximity to a downtown or other placetype. Development within these areas is typically segregated by use. Lots typically range from 1 to 3 acres in size. Oversized parking and stormwater features are common, resulting in buildings that are spaced apart and that produce a more fragmented development pattern. Cumulatively, these patterns of development often produce significant traffic and vehicular congestion over time. Suburban areas include Suburban Roads and Advanced Suburban Areas.

Suburban Areas, Advanced Suburban Areas. Advanced suburban area means an area where sprawl development has spread from the road frontage, encroaching deeper into lots and to adjacent rural land. Development within these areas is typically segregated by use. Advanced suburban development spreads across available land until hitting environmental constraints or an adjacent parcel of land. Larger, single-use forms of development may include but are not limited to: educational or sports complexes, commercial strip malls, regional shopping centers, big box retail development, office parks, and other forms of single-use development. The streets within suburban subdivisions tend to be curvilinear and discontinuous. This pattern of development results in unplanned, fragmented open spaces disconnected from a larger network of habitat corridors, trails, and other natural systems.

Suburban Areas, Suburban Roads. Suburban road means an area along the frontage of a road where incremental development slowly transitions a rural road to a suburban one. Suburban roads have more frequent curb cuts than a rural road, typically occurring an average of every 500 feet or less. Buildings are typically located on 1 to 3 acre lots, created through lot splits and subdivisions of larger parcels. Development typically includes a range of uses, each separated from the other, including residential, commercial, industrial, and office. Buildings are typically located within view of the road and to each other, changing the perception of the area from rural to suburban. Suburban roads mark the first stage of suburban sprawl. Over time, as more activity occurs, roads are widened to include turn lanes and traffic lights, which attracts additional development, leading to advanced suburban areas and the loss of adjacent rural lands.

14-F. Village. See Placetype, Village.

~~7 **14-G. Workforce housing.** "Workforce housing" means a decent, safe and sanitary
8 dwelling, apartment or other living accommodation intended for use by a worker employed
9 in the surrounding area for which the cost of occupancy is no more than 30% of an occupant
10 worker's household income.~~

14-H. Working waterfront. Working waterfront means a parcel, or portion of a parcel, of land abutting tidal waters or located in the intertidal zone (between the high and low water mark), that is used primarily (more than 50%) to "provide access to or support the conduct of commercial fishing activities." 36 M.R.S. § 1132(11). These areas can be mapped alone or as part of a rural center, village, or downtown.

11 **15-A. Zoning ordinance.** "Zoning ordinance" means a type of land use ordinance
12 that divides a municipality into districts and that prescribes and reasonably applies different
13 regulations in each district.

14 **Sec. 2. 30-A MRSA §4312,** as amended by PL 2021, c. 657, §§1 to 4, is further
15 amended to read:

16 **§4312. Statement of findings, purpose and goals**

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

18 A. Establish, in each municipality of the State, local comprehensive planning and land
19 use management;

20 B. Encourage municipalities to identify the tools and resources to effectively plan for
21 and manage future development within their jurisdictions with a maximum of local
22 initiative and flexibility;

23 C. Encourage local land use ordinances, tools and policies based on local
24 comprehensive plans;

25 D. Incorporate regional considerations into local planning and decision making so as
26 to ensure consideration of regional needs and the regional impact of development;

1 F. Provide for continued direct state regulation of development proposals that occur in
2 areas of statewide concern, that directly impact natural resources of statewide
3 significance or that by their scale or nature otherwise affect vital state interests;

4 G. Encourage the widest possible involvement by the citizens of each municipality in
5 all aspects of the planning and implementation process, in order to ensure that the plans
6 developed by municipalities have had the benefit of citizen input; and

7 ~~I. Encourage the development and implementation of multimunicipal growth
8 management programs.~~

9 ~~J. Encourage cooperation between state agencies and regional planning organizations
10 or councils of government to develop growth management programs, which may
11 address residential and commercial development as well as transit, habitat protection,
12 water quality and related features.~~ Encourage cooperation between state agencies and
regional councils or non-profit organizations with capacity and relevant expertise to
develop regional plans that will assist municipalities in developing their local land use
plans.

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

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

21 A-1. To direct new development to growth areas to make efficient use of public
22 services and existing infrastructure investments and to protect the State's rural
23 character, working lands, natural resources and natural resource-based industries, while
preventing development sprawl and resulting traffic;

24 ~~B. To plan for, finance and develop an efficient system of public facilities, public~~
~~transportation infrastructure and public services to accommodate anticipated growth~~
~~and economic development, including planning for the cost of needed new~~
~~development patterns, and to ensure that proposed plan for new development that~~
~~produces demonstrates sufficient revenue reserve to cover the for life cycle cost of~~
~~ongoing infrastructure maintenance and replacement extended out 40 years costs;~~

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

27 ~~D. To promote and work to ensure choice, economic diversity and affordability in~~
28 ~~housing for low-income and moderate-income households and use housing policy to~~
29 ~~help address disparities in access to educational, occupational and other opportunities;~~

30 D-1. To ensure that the municipality's promote land use policies and ordinances that
encourage the
31 siting and construction of workforce housing and affordable housing near jobs and
32 services and to reduce housing in locations that increase household transportation costs and
produce traffic congestion on regional roads;

33 ~~E. To protect the quality and manage the quantity of the State's water resources,~~
34 ~~including lakes, aquifers, great ponds, estuaries, rivers and coastal areas, including by~~
35 ~~protecting, maintaining and improving the water quality of each water body pursuant~~
36 ~~to Title 38, chapter 3, subchapter 1, article 4 A and protecting water quality from~~
37 ~~increases in phosphorus from development in great pond watersheds and increases in~~
38 ~~nitrogen in coastal waters;~~

- 1 F. To protect the State's other critical natural resources, including without limitation,
2 wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas and
3 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 and the public;
- 7 H. To safeguard the State's agricultural and forest resources from development which
8 threatens those resources;
- 9 I. To preserve the State's historic and archeological resources;
- 10 J. To promote and protect the availability of outdoor recreation opportunities for all
11 Maine citizens, including access to surface waters;
- 12 L. To encourage municipalities to develop policies that accommodate older ~~adults~~
13 ~~residents with aging in place and that encourage, including the creation of age-friendly~~
14 ~~communities, appropriate housing for older residents, improvement in transportation~~
15 ~~access and expanded services to older residents-elder services;~~ and
- 16 N. To plan for the effects of the rise in sea level on buildings, transportation
17 infrastructure, sewage treatment facilities and other relevant state, regional, municipal
18 or privately held infrastructure, property or resources.

19 ~~**3-A. Growth areas.** As part of a comprehensive planning process, a community may
20 identify locations for establishing new growth areas, excluding high impact corridors.
21 Growth areas are identified locally as areas for either limited growth or intended growth.
22 Both limited and intended growth areas may be considered as high value to the municipality
23 in a financial, economic or social context and are intended for ongoing investment in
24 infrastructure, buildings, housing, businesses and civic spaces and buildings. Limited
25 growth areas may be the focus of ongoing investment, but not the subject of new
26 transformative development.~~

27 ~~New growth areas must have adopted local neighborhood standards that enable a
28 development pattern that is consistent with the intent and definition of the placetype of the
29 growth area.~~

30 **4. Limitation on state rule-making authority.** The department is authorized to adopt
31 ~~only~~ rules necessary to carry out the ~~purposes of~~ ~~purposes of~~ ~~duties of the~~
~~department under~~ this subchapter. Rules adopted pursuant to this section are ~~routine-~~
~~technical rules~~ ~~major substantive~~ 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.

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

38 **3. Rate of growth, zoning and impact fee ordinances.** After January 1, 2003, any
39 ~~portion of a~~ ~~A~~ municipality's or ~~multimunicipal~~ region's rate of growth, zoning or impact
40 fee ordinance must be consistent with a comprehensive plan adopted in accordance with
41 the procedures, goals and guidelines established in this subchapter. ~~The department shall~~
42 ~~review a proposed development project that is located within a municipality in which a~~
43 ~~portion of a rate of growth, zoning or impact fee ordinance relates to an inconsistency~~

1 ~~identified by a court or during a comprehensive plan review by the department in~~
2 ~~accordance with section 4347-A, subsection 3-A.~~ The portion of a rate of growth, zoning
3 or impact fee ordinance not directly related to an inconsistency identified by a court or
4 during a comprehensive plan review by the department in accordance with section 4347-A,
5 subsection 3-A remains in effect. For purposes of this subsection, "zoning ordinance" does
6 not include an ordinance that applies townwide that is ~~a cluster development ordinance~~ or
7 a design ordinance prescribing the color, shape, height, landscaping, amount of open space
8 or other comparable physical characteristics of development. The portion of a rate of
9 growth, zoning or impact fee ordinance that is not consistent with a comprehensive plan is
10 no longer in effect unless:

- 11 C. The ordinance or portion of the ordinance is exempted under subsection 2;
- 12 D. The municipality or ~~multimunicipal~~ region is under contract with the department to
13 prepare a comprehensive plan or implementation program, in which case the ordinance
14 or portion of the ordinance remains valid for up to 4 years after receipt of the first
15 installment of its first planning assistance grant or for up to 2 years after receipt of the
16 first installment of its first implementation assistance grant, whichever is earlier;
- 17 E. The ordinance or portion of the ordinance conflicts with a newly adopted
18 comprehensive plan or plan amendment adopted in accordance with the procedures,
19 goals and guidelines established in this subchapter, in which case the ordinance or
20 portion of the ordinance remains in effect for a period of up to 24 months immediately
21 following adoption of the comprehensive plan or plan amendment;
- 22 F. The municipality or ~~multimunicipal~~ region applied for and was denied financial
23 assistance for its first planning assistance or implementation assistance grant under this
24 subchapter due to lack of state funds on or before January 1, 2003. If the department
25 subsequently offers the municipality or ~~multimunicipal~~ region its first planning
26 assistance or implementation assistance grant, the municipality or ~~multimunicipal~~
27 region has up to one year to contract with the department to prepare a comprehensive
28 plan or implementation program, in which case the municipality's or ~~multimunicipal~~
29 region's ordinances will be subject to paragraph D; or
- 30 G. The ordinance or portion of an ordinance is an adult entertainment establishment
31 ordinance, as defined in section 4352, subsection 2, that has been adopted by a
32 municipality that has not adopted a comprehensive plan.

33 **Sec. 4. 30-A MRSA §4324**, as amended by PL 2003, c. 641, §§7 and 8, is further
34 amended to read:

35 **§4324. Responsibility for growth management**

36 This section governs a municipality's or ~~multimunicipal~~ region's responsibility for the
37 preparation or amendment of its growth management program. When procedures for the
38 adoption of comprehensive plans and ordinances are governed by other provisions of this
39 Title or municipal charter or ordinance, the municipality or ~~multimunicipal~~ region may
40 modify the procedural requirements of this section as long as a broad range of opportunity
41 for public comment and review is preserved.

42 **1. Growth management program.** Each municipality or ~~multimunicipal~~ region may
43 prepare a growth management program in accordance with this section or may amend its

1 existing comprehensive plan and existing land use ordinances to comply with the
2 procedures, goals and guidelines established in this subchapter.

3 **2. Planning committee.** If a municipality or ~~multimunicipal~~ region chooses to prepare
4 a growth management program, the municipal officers of a municipality or combination of
5 municipalities shall designate and establish a planning committee, which may include one
6 or more municipal officials.

7 A. The municipal officers may designate any existing planning board or district
8 established under subchapter 4, or a former similar provision, as the planning
9 committee. Planning boards established under former Title 30, section 4952,
10 subsection 1 continue to be governed by those provisions until they are superseded by
11 municipal charter or ordinance.

12 B. ~~The planning committee may develop and maintain a comprehensive plan and may~~
13 ~~develop any portion of an implementation program to which it is assigned in an adopted~~
14 ~~comprehensive plan or otherwise directed by the municipal officers or municipal~~
15 ~~legislative body or bodies. In performing these duties, the planning committee shall:~~

16 (1) ~~Hold public hearings and use other methods to solicit and strongly encourage~~
17 ~~citizen input; and~~

18 (2) ~~Prepare the comprehensive plan or any portion of the implementation program~~
19 ~~to which it is assigned in an adopted comprehensive plan and make~~
20 ~~recommendations to the municipal legislative body regarding the adoption and~~
21 ~~implementation of the program or amended program.~~

22 B-1. The planning committee may develop a comprehensive plan with public input
23 and may implement any portion of the plan to which it is assigned or otherwise directed
24 by the municipal officers or municipal legislative body or bodies. In performing these
25 duties, the planning committee shall may:

26 (1) Bring together as many people from the community from as many different
27 backgrounds as possible, including historically underrepresented people, through a series of public
events and activities, including hands-on workshops, work sessions, focused roundtable meetings and
or charrettes, as well as gather input through digital and paper surveys, questionnaires, visual
preference surveys, and other means;

28 (2) Advertise the events and activities required by subparagraph (1) by distributing
29 a schedule through a combination of print and digital platforms well in advance of
30 the events and activities;

(3) Provide opportunities for the public to contribute ideas, discuss key issues facing the community,
set priorities, and develop policies and strategies to address local challenges. Analyze the public
input and use the input to prepare a draft of the comprehensive plan;

31 (4) Make the draft comprehensive plan available to the public and solicit feedback
32 from the public on the draft comprehensive plan;

33 (5) Consider Incorporate feedback from the public on the draft comprehensive plan and
34 make available to the public subsequent drafts as needed; Provide opportunities for the public to
review and comment on the development of plan content during the process, with opportunity for
written and verbal feedback; and

35 (6) Make final recommendations to the municipal officers or municipal legislative
36 body or bodies regarding the adoption and implementation of the draft
37 comprehensive plan and provide assistance on the implementation of the plan.

2 ~~3. Citizen participation. In order to encourage citizen participation in the development of a growth management program, municipalities or multimunicipal regions may adopt growth management programs only after soliciting and considering a broad range of public review and comment. The intent of this subsection is to provide for the broad dissemination of proposals and alternatives, opportunity for written comments, open discussions, information dissemination and consideration of and response to public comments.~~

3 **3-A. State participation.** A municipality shall notify the State and the local regional
4 ~~planning organization when the municipality begins a comprehensive planning process.~~
5 ~~The State and the regional planning organization shall~~ **Regional Councils should work**
~~with the municipality to provide mapping for initial public workshops, including the~~
~~Department of Inland Fisheries and Wildlife's habitat conservation mapping program maps~~
~~and supporting resources. The State may also provide additional data and mapping,~~
~~particularly on topics of regional significance, that can be accessed by municipalities as needed~~
~~to respond to local planning priorities and needs.~~

6 **4. Meetings to be public.** The planning committee shall conduct all of its meetings
7 and work sessions in open, public session. Prior public notice must be given for all
8 meetings of the planning committee pursuant to Title 1, section 406. ~~When possible, the~~
9 ~~planning committee shall use meeting technology to allow participation from those who~~
10 ~~are unable to attend in person. The planning committee shall record the meetings and make~~
11 ~~the recordings available to the public.~~

12 **8. Public hearing required.** The planning committee shall hold at least one public
13 hearing on ~~its proposed~~ the draft comprehensive plan prior to adoption under subsection 9.
14 ~~The planning committee shall hold a public hearing to present the draft comprehensive plan~~
15 ~~with an interactive portion of the hearing that provides an opportunity for the public to ask~~
16 ~~questions and provide feedback on the draft comprehensive plan. Following the~~
17 ~~presentation of the draft comprehensive plan, the planning committee shall take public~~
18 ~~comment for at least 14 days. After the comment period is closed, the planning committee~~
19 ~~shall make any plan revisions and issue the next draft, which is the public hearing draft.~~
20 ~~The governing body of the municipality should hold a joint public hearing with the planning~~
~~committee.~~

2 A. Notice of a public hearing must be posted in each municipality at least 30 days
3 before the hearing, except that, if a follow-up hearing is held pursuant to comments
4 made at a public hearing, the follow-up hearing may be conducted if public notice is
5 given pursuant to Title 1, section 406.

6 B. A copy of the proposed comprehensive plan must be made available for public
7 inspection at each municipal office or other convenient location with regular public
8 hours at least 30 days before the hearing and made available on the municipality's
9 publicly accessible website. If modification of the plan is proposed pursuant to
10 comments made at a public hearing, and if a follow-up public hearing is to be held, the
11 proposed changes must be made available for public inspection at each municipal
12 office or other convenient location with regular public hours before any follow-up
13 hearing.

14 **9. Adoption.** A comprehensive plan or land use ordinance is considered adopted as
15 part of a growth management program when it has been adopted by the municipality's
16 legislative body. A ~~multimunicipal~~ comprehensive plan or land use ordinance must be
17 adopted by the municipal legislative body of each participating municipality unless another
18 form of legislative authority has been established for this purpose within the municipality
19 or ~~multimunicipal~~ region.

20 **10. Amendments to an adopted plan.** When amending an adopted comprehensive
21 plan, a municipality or ~~multimunicipal~~ region shall follow the same procedures for citizen
22 participation, public notice and public hearing that are required for adoption of a
23 comprehensive plan.

24 ~~**11. Intent.** The municipality or region shall ensure that the language and requirements~~
25 ~~in charters, policies, codes, regulations, bylaws and fees are consistent and meet the overall~~
26 ~~intent of the comprehensive plan.~~

27 **Sec. 5. 30-A MRSA §4325, sub-§2,** as amended by PL 2001, c. 578, §14, is further
28 amended to read:

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

33 A. On procedures for joint action in the preparation and adoption of comprehensive
34 plans, land use regulations and other implementation measures to be conducted on a
35 ~~multimunicipal~~ regional basis;

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

37 C. On the amount and source of contribution from each municipality for any costs
38 incurred in the development, implementation and enforcement of the comprehensive
39 plan and its implementation program and on the method of distributing the benefits or
40 impacts of regional land use, economic development, housing, transportation,
41 infrastructure and other shared plans and programs.

1 **Sec. 6. 30-A MRSA §4326, sub-§1**, as amended by PL 2021, c. 590, Pt. A, §§6 to
1 8 and c. 657, §5, is further amended to read:

Data analysis. A comprehensive plan may include data and analysis on any topics of interest to the municipality, using data provided by the State, regional councils, and other relevant local or digital sources. Analysis work should consider regional data and regional plans and tie into, or inform, those regional plans.

Municipalities must consider and analyze environmental systems data as described in Section 8 3-A.1

Municipalities may consider and analyze any data points that are deemed relevant to the community, as determined locally through the citizen participation process. These data points may include, but are not limited to:

2 A. Economic and demographic data describing the municipality or ~~multimunicipal~~
3 region and the region in which it is located;

4 B. Significant water resources such as lakes, aquifers, estuaries, rivers and coastal
5 areas and, when applicable, their vulnerability to degradation and barriers to aquatic
6 organism passage;

7 C. ~~Significant~~ Important natural resources or critical natural resources, ~~such as~~
~~wetlands, wildlife and fisheries habitats, including undeveloped habitat blocks and~~
~~connectivity between blocks, significant plant habitats,~~ coastal islands, ~~sand dunes,~~
scenic areas, shorelands, and heritage coastal areas as defined under Title 5, section
3316, ~~and unique natural areas~~;

8 D. Marine-related resources and facilities such as ports, harbors, commercial
9 moorings, commercial docking facilities and related parking, and shell fishing and
10 worming areas;

11 E. Commercial forestry and agricultural land including analysis of land use regulations
12 in these areas to determine whether these areas are at risk of a change in use;

13 F. Existing recreation, park and open space areas and significant points of public
14 access to shorelands within a municipality or ~~multimunicipal~~ region;

15 G. Existing transportation systems, including the ~~capacity~~ safety of ~~existing and~~
16 ~~proposed~~ major thoroughfares, secondary routes, ~~pedestrian ways and parking facilities~~
17 and local streets, including the impact of development patterns on roadway capacity
18 and any nonvehicle transportation options;

19 H. Residential housing stock, including affordable housing, workforce attainable
housing and market rate housing for ~~low income and moderate income households~~
categorized by building type, age and condition, an analysis of how policy and
regulation affect housing availability, an assessment of community needs and
~~environmental effects of municipal regulations~~ the effects of municipal regulations on
the environment, food security and economic resiliency, an examination of the effect
of excessive parking requirements that limit the reuse of upper floors of buildings in
downtowns and on main streets, villages, rural centers and high-impact corridors
and an identification of opportunities for accessory dwelling units;

1 H-1. Housing Data on availability of housing that meets the needs of older residents,
2 including housing that is rehabilitated, adapted or newly constructed to help older
3 ~~adults~~ residents age in place;

4 I. Historical and archeological resources including, at the discretion of the municipality
5 or ~~multimunicipal~~ region, stone walls, stone impoundments and timber bridges of
6 historical significance;

7 J. Land use information describing current ~~and projected~~ development patterns,
8 including where building permits are issued and whether new development is
9 responsive to community goals;

10 K. An assessment of capital facilities and public services necessary to support growth
11 and development and to protect the environment and health, safety and welfare of the
12 public and the costs of those facilities and services, including an assessment of
anticipated and desired capital projects and how they can or will be paid for over a 40
year life cycle; and

13 L. For a municipality or ~~multimunicipal~~ region that has adopted a local climate action
14 plan, a climate vulnerability assessment specific to the municipality or ~~multimunicipal~~
15 region prepared by the municipality or ~~multimunicipal~~ region.;

16 M. Information related to the socioeconomic makeup of the community, and the
17 availability of community networks, programs and support systems to respond to the
18 needs of local residents, including opportunities for multigenerational living,
19 affordable housing, safer streets for walking and biking, wellness support and ideas for
20 improving quality of life; and

21 N. Data related to the total length of roads, and life cycle costs projected out 40 years and the
taxable value required to pay for additional
22 public services and ongoing maintenance and replacement costs.

23 **Sec. 7. 30-A MRSA §4326, sub-§2**, as amended by PL 2001, c. 578, §15, is
24 repealed.

25 **Sec. 8. 30-A MRSA §4326, sub-§2-A** is enacted to read:

3-A. Policy development. A municipality shall analyze data and prepare maps, diagrams, and plans to inform new policies and action strategies. At a minimum, the municipality must do the following:

A. 1. Map and Analyze Environmental Systems Data. Municipalities must analyze environmental systems data and other information important to the municipality based on, at a minimum, data layers provided by the Department of Inland Fisheries and Wildlife habitat conservation mapping program, including those layers that are subject to state and federal regulations intended to preserve natural resources and related economic activities, and that also include but are not limited to: significant farmland, forest land or mineral resources; high-value wildlife or fisheries habitat; scenic areas; public water supplies; and open lands functionally necessary to support a vibrant rural economy; areas of statewide ecological significance; agricultural soils; land in Maine tree growth and farmland protection tax programs; trail networks, recreation areas; as well as parcel lines, buildings, and existing infrastructure.

A. 2. Identify and Map Conservation Areas: Identify and map conserved lands.

A. 3. Identify and Map Rural Areas: Identify and map rural areas deserving of protection from unrestricted development, including rural backlands, adjacent rural lands, and rural roads. A municipality may also designate critical rural areas, where there is a desire for additional protections, as well as support from Regional Councils or the State to help support rural economies;

3. 4. Identify and Map Placetypes: Identify and map existing placetypes that meet the definitions contained in this Chapter. This includes mapping existing downtowns, adjacent neighborhoods, high-impact corridors, and villages. Because of their small size, rural centers are not required to be mapped, and can be based on local preference.

Municipalities may also identify locations for proposed new placetypes, including proposed new downtowns, adjacent neighborhoods, villages, and rural centers. Proposed new adjacent neighborhoods may be designated for areas located next to a new or existing downtown or village, or next to an existing high-impact corridor. High-impact corridors are not permitted to be mapped as proposed new placetypes.

Municipalities may designate and overlay growth areas over any placetypes or portion of a placetype where additional targeted development and investment are desired by the municipality, and where support from the State, including transportation funding, development financing, public infrastructure funds, or other support is needed in order to help implement the plan.

4. 5 Identify and Map Suburban Areas: Identify and map areas where the municipality wants to encourage the continued suburban development of rural lands in a pattern that quickly consumes rural land. For roads that have experienced a low level of suburban development, a municipality may designate the road as either a rural road if the intent is to limit future suburban development, or as a suburban road if the intent is to allow continued suburban development. Rural roads that have experienced some level of suburban development can also be mapped as a placetype if the intent is to create an area for increased development in a form desired and defined by the municipality. Established suburban areas can also be assigned placetypes, with land use policies put in place to help transition these areas to a more financially productive pattern of mixed use development. Municipalities should consider adjacent rural lands when mapping suburban areas, and recognize that these lands are at risk for development. Decisions should be made by the municipality to define the desired form of development for land that is located adjacent to suburban areas.

D. 6. Describe land use policy alignment plan. For rural areas and placetypes, the municipality should describe how land use regulations and other local policies will be updated to align with the intent of the plan. This includes specific and clear implementation recommendations that provide a list of changes to land use ordinances and other local policies that influence development. For municipalities that have identified placetypes intended for significant new development and investment, neighborhood standards must be provided.

E. 7. Set policies and strategies to align comprehensive plan and land use regulations. For rural areas and placetypes, the municipality must create policies and strategies to align land use regulations with the comprehensive plan.

F. 8. Plan for significant new development. If a municipality designates an existing placetype that includes significant new development and infrastructure investment such as new roads and utilities, proposed new placetypes, designated growth areas, and/or high impact corridors, the municipality must:

1. Prepare illustrative plans to illustrate the desired development pattern, including expectations and desires related to street design, building types, civic spaces, and other built and natural elements important to the community. Multiple alternatives and iterations should be generated and evaluated in response to public input and feedback; and

2. Prepare recommendations for updating Neighborhood Standards based on the outcomes of illustrative planning.

- 1 ~~E.~~ **9.** Promote the state goals under this subchapter;
- 2 ~~F.~~ **10.** Address any conflicts between state goals under this subchapter;
- 3 ~~G.~~ **11.** Address any conflicts between regional and local issues;
- 4 ~~H.~~ **12.** Address the State's coastal policies if any part of the municipality or region is a
- 5 coastal area; and
- 6 ~~I.~~ Ensure that the language and requirements in charters, policies, codes, regulations,
- 7 ~~bylaws and fees are consistent and meet the overall intent of the comprehensive plan.~~

B. Optional Analysis Maps and Diagrams. Municipalities may create any additional analysis maps and diagrams to help inform policy development. Additional analysis and mapping may include but is not limited to: information pertaining to environmental sustainability and climate change; water, natural and marine resources; working farmland and forest land; recreation, parks and open spaces; trails and recreation areas; transportation systems, mobility and safety data; pedestrian and bicycle sheds; housing availability, affordability and choice; historic and archaeological resources; capital facilities; social wellness, health and longevity; economics; municipal services and municipal return on investment from different patterns of development; and sea level rise.

- 8 **Sec. 9. 30-A MRSA §4326, sub-§3,** as amended by PL 2007, c. 247, §2, is further
- 9 amended to read:

1 **3. Implementation strategy.** A comprehensive plan must include an implementation
2 a strategy section that contains a timetable for the implementation program, including land
3 use ordinances, ensuring that the goals established under this subchapter are met
4 implementing the plans, policies and strategies described in this Chapter in subsection 2-A,
5 including updates to land use ordinances that support the intent and form of the comprehensive
plan's identified conservation areas, and rural areas, and placetypes. These implementation
strategies must be consistent with state law and must actively promote policies developed during the
planning process. The timetable must identify significant ordinances to be included in the
implementation program. The strategies and timetable must guide the subsequent adoption of
policies, programs and land use ordinances and periodic review of the comprehensive plan.

3-A. (4) A municipality or multimunicipal region is not required to identify growth areas placetypes
within the municipality or multimunicipal region for residential, commercial or industrial growth if it
demonstrates, in accordance with rules adopted by the department pursuant to this article, that:

(a) It is not possible to accommodate future residential, commercial or industrial growth within the
municipality or multimunicipal region because of severe physical limitations, including, without
limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or
limitations imposed by protected natural resources;

(b) The municipality or multimunicipal region has experienced minimal or no residential,
commercial or industrial development over the past decade and this condition is expected to continue
over the 10-year planning period;

(c) The municipality or multimunicipal region has identified as its growth areas one or more growth
areas identified in a comprehensive plan adopted or to be adopted by one or more other
municipalities or multimunicipal regions in accordance with an interlocal agreement adopted in
accordance with chapter 115 with one or more municipalities or multimunicipal regions; or

(d) The municipality or multimunicipal region has no village or densely developed area.

(6) A municipality or multimunicipal region exercising the discretion afforded by subparagraph (4)
shall review the basis for its demonstration during the periodic revisions undertaken pursuant to
section 4347-A; [RR 2021, c. 2, Pt. A, §109 (COR).]

10 **Sec. 10. 30-A MRS §4326, sub-§3-A,** as corrected by RR 2021, c. 2, Pt. A, §109,
11 is repealed.

12 ~~Sec. 11. 30-A MRS §4326, sub-§3-B is enacted to read:~~

13 ~~3-B. Guidelines for implementation strategies. In developing its implementation~~
14 ~~strategies and subsequent policies, programs and land use ordinances, each municipality or~~
15 ~~region shall employ the following guidelines consistent with the goals of this subchapter:~~

16 ~~A. Except as otherwise provided in this paragraph, municipalities shall adopt adoption of land use~~
~~policies and action strategies, as defined in this chapter, that support the intent and form of the~~
~~comprehensive plan's identified conservation areas, and rural areas, and placetypes, critical rural~~
~~areas, growth areas.~~

17 ~~(1) Within designated growth areas, For each placetype, a municipality or region shall:~~

18 ~~(a) Align any development standards and policies to promote the kind of development outcomes~~
~~desired by the community for each specific placetype;~~

19 ~~described in the municipality's comprehensive plan, including:~~

~~(b) Provide recommendations for how to adjust land use regulations to align with the existing and desired characteristics of each placetype, including Reduce minimum lot area, lot widths, minimum unit sizes, setbacks, and lot area per unit requirements in designated growth areas in order to enable the objectives of the comprehensive plan;~~

~~(2) For rural areas, a municipality of region shall:~~

~~(a) Align any development standards and policies to promote the kind of outcomes desired by the community for each specific rural area designated in the comprehensive plan.~~

~~(b) Provide recommendations for how to adjust land use regulations to align with the existing and desired characteristics of each rural area, including Reduce adjustments to minimum lot area, lot widths, and other strategies to enable the objectives of the comprehensive plan;~~

~~20 (ii) Align front and side setbacks with the characteristics found in each placetype.
21 designated growth area. Shallower setbacks should must be permitted in areas
22 where a new pattern of development is desired by the community;~~

~~23 (iii) Provide recommendations for how to adjust land use regulations and other policies to allow
24 Allow for a range of multi unit building types calibrated to each placetype, within designated
25 growth areas, including but not limited to duplexes, small apartment
26 houses, small apartment buildings, mixed use buildings with residential
27 units above commercial units and other building types;~~

~~28 (iv) Identify any opportunities to use of municipally owned land for affordable housing, including
29 small parcels of land that could accommodate buildings;~~

~~30 (v) Reduce or eliminate on-site parking requirements for buildings in
31 downtowns, adjacent neighborhoods, village rural centers, and high impact
32 corridors;~~

~~33 (vi) Consider recommendations to eliminate on-site open space requirements that drive up the cost
34 of housing and decrease walkability, within designated growth
35 areas and replace with civic spaces standards that to encourage the
36 development of meaningful more defined public gathering spaces in order to enable the
37 objectives of the comprehensive plan;~~

~~38 (vii) Provide clear and simple rules for the allowance of accessory
39 dwelling units;~~

1 ~~(viii) Consider adopting form based development standards or~~
2 ~~preapproved building types calibrated to each placetype;~~

3 ~~(ix) Recommend ways to establish timely permitting procedures, including strategies to move~~
4 ~~more small projects to administrative review in municipalities with staff capacity; and~~

5 ~~(x) Consider the effects of the standards on the environment, housing food security~~
6 ~~and economic resiliency;~~

7 ~~(xi) Where new growth areas are identified, or where substantial new development is proposed~~
8 ~~including in high impact corridors, neighborhood standards must be~~
9 ~~adopted to guide development in a way that implements the community's~~
10 ~~vision and produces a built form as illustrated in the master plan, including~~
11 ~~block dimensions, street standards, public space standards, frontage standards,~~
12 ~~parking location standards and other standards that meet the definition of~~
neighborhood standards provided in this subchapter;

13 ~~(b) Support development, including affordable housing development, by~~
14 ~~establishing programs and/or funding such as tax increment financing programs,~~
15 ~~low interest revolving loan funds, life safety grants, facade grants, reduced~~
16 ~~impact fees in growth areas and/or establishing a local or regional land bank or a~~
17 ~~community land trust;~~

18 ~~(c) Create a financial plan for the maintenance and replacement of existing~~
19 ~~public infrastructure and services over a 40 year life cycle;~~

20 ~~(d) Develop a capital investment plan for financing the replacement and~~
21 ~~expansion of public facilities and services required to meet projected growth~~
22 ~~and development; and~~

23 ~~(e) Prevent inappropriate development in natural hazard areas, including flood~~
24 ~~plains and areas of high erosion.~~

25
26 ~~(2) Within rural areas, each municipality or region shall adopt land use policies~~
27 ~~and ordinances to discourage incompatible development. These policies and~~
28 ~~ordinances may include, without limitation:~~

29 ~~(a) Establishing a source of local funds for acquisition of land or conservation~~
30 ~~easements, including annual municipal funding of local conservation~~
31 ~~organizations that can secure conservation grants, or through private~~
32 ~~fundraising;~~

33 ~~(b) Increasing minimum lot area to 10 acres or more and increasing lot widths~~
34 ~~to 250 feet or more;~~

35 ~~(c) Assessing impact fees on subdivisions located outside of designated~~
36 ~~growth areas;~~

37 ~~(d) Adopting a rate of growth ordinance or a cap on building permits for~~
38 ~~residential and commercial development located outside of designated growth~~
39 ~~areas;~~

40 ~~(e) Allowing rural farmsteads on lots that are 5 acres or more with a lot width~~
41 ~~of at least 250 feet;~~

42 ~~(f) Establishing a transfer of development rights program pursuant to section~~
43 ~~4328 and performance standards;~~

1 (g) A policy that the municipality will not assume public ownership or
2 maintenance responsibilities of private roads located in rural areas; and

3 (h) Consideration of the effects of the policies and ordinances on the
4 environment, food security and economic resiliency; and

5 B. Ensuring that the language and requirements in charters, policies, codes,
6 regulations, bylaws and fees are consistent and meet the overall intent of the
7 comprehensive plan.

8 **Sec. 12. 30-A MRSA §4326, sub-§4**, as amended by PL 2001, c. 578, §15, is
9 further amended to read:

10 **4. Regional coordination program.** A regional coordination program must be
11 developed with other municipalities or ~~multimunicipal~~ regions to manage shared resources
12 and facilities, such as rivers, aquifers, transportation facilities and others. This program
13 must provide for consistency with the comprehensive plans of other municipalities or
14 ~~multimunicipal~~ regions for these resources and facilities.

15 ~~Sec. 13. 30-A MRSA §4326, sub-§4 A~~, as enacted by PL 2019, c. 153, §5, is
16 amended to read:

17 **4 A. Addressing sea level rise.** A municipality or multimunicipal region that is in the
18 coastal area may include in its comprehensive plan projections regarding changes in sea
19 level and potential effects of the rise in sea level on buildings, transportation infrastructure,
20 sewage treatment facilities and other relevant municipal, quasi-municipal, multimunicipal or
21 privately held
22 infrastructure or property and may develop a coordinated plan for addressing the effects of
23 the rise in sea level. For the purposes of this subsection, "coastal area" has the same
24 meaning as in Title 38, section 1802, subsection 1.

24 ~~Sec. 14. 30-A MRSA §4326, sub-§4 B~~, as enacted by PL 2021, c. 590, Pt. A, §9,
25 is amended to read:

26 ~~4 B. Addressing climate risks and building resilience to natural hazards.~~ A
27 municipality or multimunicipal region may include in its comprehensive plan projections
28 regarding risks posed by climate change as identified in its climate vulnerability assessment
29 prepared pursuant to subsection 1, paragraph L and the potential effects of those risks on
30 buildings, transportation infrastructure, sewage treatment facilities and other relevant
31 municipal, quasi-municipal, multimunicipal or privately held infrastructure, property or protected
32 natural
33 resources and may develop a coordinated plan for addressing those risks and for building
34 resilience to natural hazards.

34 As used in this subsection, "protected natural resource" has the same meaning as in Title
35 38, section 480-B, subsection 8.

36 **Sec. 15. 30-A MRSA §4326, sub-§5**, as amended by PL 2001, c. 578, §15, is
37 further amended to read:

38 **5. Implementation program.** An implementation program must be adopted that is
39 consistent with the strategies in subsection ~~3-A~~ 3-B.

40 **Sec. 16. 30-A MRSA §4345**, as amended by PL 2011, c. 655, Pt. JJ, §19 and
41 affected by §41, is further amended to read:

42 **§4345. Purpose; department to administer program**

1 Under the provisions of this article, a municipality or ~~multimunicipal~~ region may
2 request financial or technical assistance from the department for the purpose of planning
3 and implementing a growth management program. A municipality or ~~multimunicipal~~
4 region that requests and receives a financial assistance grant shall develop and implement
5 its growth management program in cooperation with the department and in a manner
6 consistent with the procedures, goals and guidelines established in this subchapter.

7 To accomplish the purposes of this article, the department shall develop and administer
8 a technical and financial assistance program for municipalities or ~~multimunicipal~~ regions.
9 The program must include direct financial assistance for planning and implementation of
10 growth management programs, standards governing the review of growth management
11 programs by the department, technical assistance to municipalities or ~~multimunicipal~~
12 regions and a voluntary certification program for growth management programs.

13 **Sec. 17. 30-A MRSA §4346**, as amended by PL 2021, c. 590, Pt. A, §10, is further
14 amended to read:

15 **§4346. Technical and financial assistance program**

16 The technical and financial assistance program for municipalities, regional councils
17 and ~~multimunicipal~~ regions is established to encourage and facilitate the adoption and
18 implementation of local, regional and statewide growth management programs.

19 The department may enter into financial assistance grants only to the extent that funds
20 are available. In making grants, the department shall consider the need for planning in a
21 municipality or ~~multimunicipal~~ region, the proximity of the municipality or ~~multimunicipal~~
22 region to other areas that are conducting or have completed the planning process and the
23 economic and geographic role of the municipality or ~~multimunicipal~~ region within a
24 regional context. The department shall give priority in making grants to any municipality
25 or ~~multimunicipal~~ region that has adopted a local climate action plan and, if the
26 municipality or ~~multimunicipal~~ region has adopted a comprehensive plan or growth
27 management program, prepared a climate vulnerability assessment pursuant to section
28 4326, subsection 1, paragraph L. The department may consider other criteria in making
29 grants, as long as the criteria support the goal of encouraging and facilitating the adoption
30 and implementation of local and ~~multimunicipal~~ regional growth management programs
31 consistent with the procedures, goals and guidelines established in this subchapter. In order
32 to maximize the availability of the technical and financial assistance program to all
33 municipalities, ~~multimunicipal~~ regions and regional councils, financial assistance programs
34 administered competitively under this article are exempt from rules adopted by the
35 Department of Administrative and Financial Services pursuant to Title 5, section 1825-C
36 for use in the purchase of services and the awarding of grants and contracts. The
37 department shall publish a program statement describing its grant program and advertising
38 its availability to eligible applicants.

39 **2-A. Financial assistance grants.** A contract for a financial assistance grant must:

40 A. Provide for the payment of a specific amount for the purposes of planning and
41 preparing a comprehensive plan;

42 B. Provide for the payment of a specific amount for the purposes of implementing that
43 plan; and

1 C. Include specific timetables governing the preparation and submission of products
2 by the municipality or ~~multimunicipal~~ region.

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

10 **2-B. Use of funds.** A municipality or ~~multimunicipal~~ region may expend financial
11 assistance grants for:

12 A. The conduct of surveys, inventories and other data-gathering activities;

13 B. The hiring of planning and other technical staff;

14 C. The retention of planning consultants;

15 D. Contracts with regional councils for planning and related services;

16 E. Assistance in the development of ordinances;

17 F. Retention of technical and legal expertise;

18 G. The updating of growth management programs or components of a program;

19 G-1. Evaluation of growth management programs; and

20 H. Any other purpose agreed to by the department and the municipality or
21 ~~multimunicipal~~ region that is directly related to the preparation of a comprehensive
22 plan or the implementation of a comprehensive plan adopted in accordance with the
23 procedures, goals and guidelines established in this subchapter.

24 **2-C. Program evaluation.** Any recipient of a financial assistance grant shall
25 cooperate with the department in performing program evaluations required under section
26 4331.

27 **2-D. Encumbered balances at year-end.** Notwithstanding Title 5, section 1589, at
28 the end of each fiscal year, all encumbered balances accounts for financial assistance and
29 regional planning grants may be carried forward for 2 years beyond the year in which those
30 balances are encumbered.

31 **3. Technical assistance.** Using its own staff, the staff of other state agencies,
32 contractors and the resources of the regional councils, the department shall provide
33 technical assistance to municipalities or ~~multimunicipal~~ regions in the development,
34 administration and enforcement of growth management programs. The technical assistance
35 component of the program must include a set of model land use ordinances or other
36 implementation strategies developed by the department that are consistent with this
37 subchapter.

38 **4. Regional council assistance.** As part of the technical and financial assistance
39 program, the department may develop and administer a program to develop regional
40 education and training programs, regional policies to address state goals and regional
41 assessments. Regional assessments may include, but are not limited to, public
42 infrastructure, inventories of agricultural and commercial forest lands, housing needs,

1 recreation and open space needs, and projections of regional growth and economic
2 development. The program may include guidelines to ensure methodological consistency
3 among the State's regional councils. To implement this program, the department may
4 contract with regional councils to assist the department in reviewing growth management
5 programs, to develop necessary planning information at a regional level or to provide
6 support for local planning efforts.

7 **5. Coordination.** State agencies with regulatory or other authority affecting the goals
8 established in this subchapter shall conduct their respective activities in a manner consistent
9 with the goals established under this subchapter, including, but not limited to, coordinating
10 with municipalities, regional councils and other state agencies in meeting the state goals;
11 providing available information to regions and municipalities as described in section 4326,
12 subsection 1; cooperating with efforts to integrate and provide access to geographic
13 information system data; making state investments and awarding grant money as described
14 in section 4349-A; and conducting reviews of growth management programs as provided
15 in section 4347-A, subsection 3, paragraph A. Without limiting the application of this
16 section to other state agencies, the following agencies shall comply with this subchapter:

- 17 B. Department of Economic and Community Development;
- 18 C. Department of Environmental Protection;
- 19 D. Department of Agriculture, Conservation and Forestry;
- 20 E. Department of Inland Fisheries and Wildlife;
- 21 F. Department of Marine Resources;
- 22 G. Department of Transportation;
- 23 G-1. Department of Health and Human Services;
- 24 H. Finance Authority of Maine; and
- 25 I. Maine State Housing Authority.

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

28 **§4347-A. Review of programs by department**

29 **1. Comprehensive plans.** A municipality or ~~multimunicipal~~ region that chooses to
30 prepare a growth management program and receives a planning grant under this article
31 shall submit its comprehensive plan to the department for review. A municipality or
32 ~~multimunicipal~~ region that chooses to prepare a growth management program without
33 receiving a planning grant under this article may submit its comprehensive plan to the
34 department for review. The department shall review plans for consistency with the
35 procedures, goals and guidelines established in this subchapter. A contract for a planning
36 assistance grant must include specific timetables governing the review of the
37 comprehensive plan by the department. A comprehensive plan submitted for review more
38 than 12 months following a contract end date may be required to contain data, projections
39 and other time-sensitive portions of the plan or program that are in compliance with the
40 department's most current review standards.

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

1 A. Upon a request for review under this section, the department shall review the
2 program and determine whether the program is consistent with the procedures, goals
3 and guidelines established in this subchapter.

4 B. Certification by the former State Planning Office or the department of a
5 municipality's or ~~multimunicipal~~ region's growth management program under this
6 article is valid for 10 years. To maintain certification, a municipality or ~~multimunicipal~~
7 region shall periodically review its growth management program and submit to the
8 department in a timely manner any revisions necessary to account for changes,
9 including changes caused by growth and development. Certification does not lapse in
10 any year in which the Legislature does not appropriate funds to the department for the
11 purposes of reviewing programs for recertification.

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

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

20 A. Solicit written comments on any proposed growth management program from
21 regional councils, state agencies, all municipalities contiguous to the municipality or
22 ~~multimunicipal~~ region submitting a growth management program and any interested
23 residents of the municipality or ~~multimunicipal~~ region or of contiguous municipalities.
24 The comment period extends for 45 days after the department receives the growth
25 management program.

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

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

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

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

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

- 1 (2) If the department finds that the growth management program was adopted in
2 accordance with the procedures, goals and guidelines established in this
3 subchapter, the department shall issue a certificate of consistency for the growth
4 management program.
- 5 (3) Notwithstanding paragraph D, if a municipality or ~~multimunicipal~~ region
6 requests a certificate of consistency for its growth management program, any
7 unmodified component of that program that has previously been reviewed by the
8 former State Planning Office or the department and has received a finding of
9 consistency will retain that finding during program certification review by the
10 department as long as the finding of consistency is current as defined in rules
11 adopted by the department;
- 12 D. Provide ample opportunity for the municipality or ~~multimunicipal~~ region
13 submitting a growth management program to respond to and correct any identified
14 deficiencies in the program. A finding of inconsistency for a growth management
15 program may be addressed within 24 months of the date of the finding without
16 addressing any new review standards that are created during that time interval. After
17 24 months, the program must be resubmitted in its entirety for state review under the
18 department's most current review standards; and
- 19 E. Provide an expedited review and certification procedure for those submissions that
20 represent minor amendments to certified growth management programs.
- 21 The department's decision on consistency of a growth management program constitutes
22 final agency action.

23 **3-A. Review of comprehensive plan.** In reviewing a comprehensive plan, the
24 department shall:

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

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

34 C. Within 35 business days after receiving the comprehensive plan, ~~notify the~~
35 ~~municipality or multimunicipal region if the plan is complete for purposes of review.~~
36 ~~If the department notifies the municipality or multimunicipal region that the plan is not~~
37 ~~complete for purposes of review, the department shall indicate in its notice necessary~~
38 ~~additional data or information~~ the department shall issue findings based on a review of
39 the requirements of this subchapter. Comments unrelated to the required elements of
40 this subchapter are advisory. The written comments prepared under this section must
41 distinguish between advisory and substantive comments;

42 ~~D. Within 10 business days of issuing notification that a comprehensive plan is~~
43 ~~complete for purposes of review, issue findings specifically describing whether the~~
44 ~~submitted plan is consistent with the procedures, goals and guidelines established in~~

1 this subchapter and identify which inconsistencies in the plan, if any, may directly
2 affect rate of growth, zoning or impact fee ordinances.

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

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

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

14 D-1. If the department finds that the comprehensive plan was developed in accordance
15 with the mandatory procedures, goals and guidelines established in this subchapter, the
16 department shall issue a finding of consistency for the comprehensive plan. If the
17 department finds that the comprehensive plan does not meet the requirements
18 established in this subchapter, the department shall issue a finding of inconsistency and
19 recommendations for resolving the inconsistency;

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

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

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

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

36 A finding by the department pursuant to paragraph ~~D~~ D-1 that a comprehensive plan is
37 consistent with the ~~procedures, goals and guidelines~~ requirements established in this
38 subchapter is valid for 12 years from the date of its issuance. A finding by the former State
39 Planning Office issued pursuant to this subchapter prior to December 31, 2000 that a
40 comprehensive plan is consistent with the ~~procedures, goals and guidelines~~ requirements
41 established in this subchapter is valid until December 31, 2012. For purposes of section
42 4314, subsection 3 and section 4352, subsection 2, expiration of a finding of consistency
43 pursuant to this subsection does not itself make a comprehensive plan inconsistent with the
44 ~~procedures, goals and guidelines~~ requirements established in this subchapter.

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

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

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

16 B. Whether the comprehensive plan or growth management program is compatible
17 with plans or programs of municipalities or ~~multimunicipal~~ regions that may be
18 affected by the proposal.

19 **Sec. 19. 30-A MRSA §5403, sub-§14**, as amended by PL 2019, c. 108, §4, is
20 further amended to read:

21 **14. Community septic systems.** As a means of facilitating compact growth patterns,
22 ~~including cluster developments~~, construct, maintain and operate a sewer system that is
23 composed of one or more subsurface wastewater collection, treatment and disposal
24 systems. The municipality may construct such a sewer system in anticipation of the
25 establishment of a community sanitary district under Title 38, chapter 11-A, to which the
26 municipality will transfer the system pursuant to Title 38, section 1232. ~~For purposes of~~
27 ~~this subsection, "cluster development" has the same meaning as in section 4301, subsection~~
28 ~~1-A~~; and

29 **Sec. 20. 38 MRSA §1231, sub-§1**, as enacted by PL 2005, c. 556, §4, is repealed.

30 **SUMMARY**

31 This bill makes comprehensive changes to the growth management program, including
32 substantive and procedural changes to comprehensive land use planning.