



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

Melanie Sachs

84 Kelsey Ridge Road
Freeport, ME 04032

Residence: 207-299-6825

Melanie.Sachs@legislature.maine.gov

Dear MMA LPC colleagues:

The latest Maine Municipal Association bulletin (May 2nd) discussed how many of the current legislative bills are designed “to restrict home rule authority and stifle local decision making”. It further states that the “Maine’s Legislature seems bent on shoving the same standards on Caribou as for Kennebunkport and adopting statewide rather than community led changes.”

LR 289 takes a different approach.

LR 289 seeks to amend the onerous, cumbersome, expensive mandates of the current comprehensive planning process in Title 30-A (Growth Management) and replace it with a locally driven process where municipalities can identify their own needs and priorities, utilizing readily available and relevant materials. Simplicity, accessibility, and transparency are what set this bill above others.

As you know, the current comprehensive planning process requires 12+ pages of an exhaustive checklist to regurgitate data to the state that may or may not have relevance to a community. Data chapters, excluding mapping, often take over 1,000 hours, at a cost of \$30,000 or more depending on how much volunteer time is dedicated to the effort and rates of consultants. Mapping can take between 100 to 160 hours at a cost of \$6,000-\$8,000, again depending on consultant rates. The length of the process leads to volunteer burnout and community disengagement.

A bill previously reviewed by the LPC (LD 1751) holds on to the mandated data chapters, but in a tiered fashion, where mandates vary based on the size of a municipality. It proposes rulemaking around the tiers, mandates, and definitions to be done by the State at a later time, leaving municipalities in the dark about what the mandates will be at the end of the day.

By contrast LR 289 removes the inventory mandates, encourages communities to use publicly available data and mapping materials, emphasizes local goals and public participation, and shifts the focus to implementation. Zoning is still not required and current growth area exemptions are retained. Instead of having the State make the rules without input, LR 289 requires a robust stakeholder group that will inform the rule-making before it even begins, using definitions for concepts and placetypes that are clearly delineated in LR 289. This stakeholder group has three designated seats for municipal officials, as well as a seat for MMA (and two seats for regional councils) - more than a third of the group. Tiered systems are not necessary if we advocate for a

process that is for, and accessible to, any community of any size, without needing to spend thousands of dollars to do it.

Benefits of LR 289 proposed process:

- The visual mapping exercise helps communities of any size to make intentional and specific decisions about where they want development. **BENEFIT** - Municipalities, committees, and residents get a clear picture and the municipality can build consensus around the plan.
- The use of an easy-to-understand menu of placetypes and growth areas allows communities to either use the common pre-defined placetypes as a starting point, and/or define additional local placetypes. Placetypes are descriptive of what is happening and intended to happen in a place, and lead to meaningful decisions about where a community wants to focus growth in order to meet local needs related to community services, quality of life, housing, and economic development needs. **BENEFIT** - Easier for volunteer committees to understand, and better descriptions lead to development that responds to community needs and objectives.
- The streamlined and step-by-step process in LR 289 will help make planning easier and outcomes-driven.
BENEFIT - Makes state review processes easier, less-resource intensive, and helps communities move on to implementation and deliver results.

LR 289 is a product of four years of conversations with towns big and small. It is endorsed by over 40 Maine organizations (and counting). Municipalities of every size testified in support last session. It has been an open, collaborative process to bring the bill forward, including hours of conversations with the team at MMA, the Maine Association of Planners, the Maine Office of Community Affairs and MPAP, and the housing team at GOPIF. Even the Maine Coast Fishermen's Association and the Maine Council on Aging reviewed and approved salient sections. The bill was presented at a national conference last year (NCEL) as it was identified as a national model for planning and development, aligning with smart growth, infrastructure, and conservation goals of communities in a collaborative process.

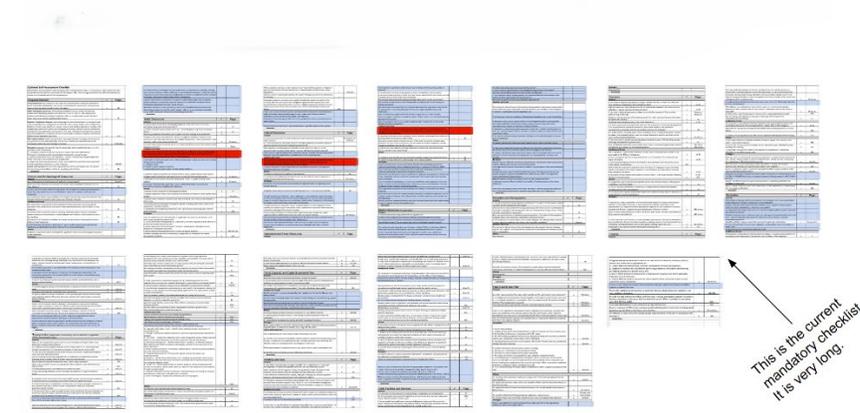
I was a Freeport Town Councilor for six years and grew up in New Sharon, Maine. Comprehensive planning is the process for towns big or small to come together and talk about what they want their community to look like. We need a process that is accessible for EVERY community – from Caribou to Kennebunkport – not a one size fits all solution. I firmly believe that towns know what is best for them. LR 289 supports that process.

Thank you for your time and consideration. Feel free to reach out via email or cell (207-299-6825- my personal cell) if you have any questions.

Warmly,

Melanie

What the process currently looks like:



LR 289 Proposed Process

Four Steps in Comprehensive Planning



LD 1751 Proposed Process:

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

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



MAINE STATE LEGISLATURE
OFFICE OF THE REVISOR OF STATUTES
7 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0007
(207) 287-1650
FAX: (207) 287-6468

April 30, 2025

Representative Melanie Sachs
84 Kelsey Ridge Road
Freeport, ME
04032

RE: LR #289 An Act to Revise the Growth Management Program Laws

Dear Representative Sachs:

Please find enclosed a final copy of the above-referenced bill, an original jacket and a signature sheet.

Please take one of the following actions concerning this bill NO LATER THAN MAY 05, 2025.

1. If changes are needed, contact the Revisor's Office and provide any changes to the bill;

or

2. If changes are not needed, please see the attached for information and directions on how to obtain cosponsor signatures and how to return the signed jacket for your bill and cosponsor sheet. Please note that the Joint Rules authorize, but do not require, you to name a lead cosponsor from the other chamber and 8 additional cosponsors.

If we have not heard from you by May 05, 2025, we will presume that you no longer wish to pursue this legislation and will consider the request void.

If you have any questions, please do not hesitate to call this office. Thank you for your attention and assistance.

Sincerely,

A handwritten signature in black ink that reads "EDWARD A. CHARBONNEAU".

Edward A. Charbonneau
Revisor of Statutes

An Act to Revise the Growth Management Program Laws

PRESENTED BY: _____

(Representative MELANIE SACHS)

TOWN: Freeport

132LR0289(01)

PROPOSED SHORT TITLE:
AN ACT TO REVISE THE GROWTH
MANAGEMENT PROGRAM LAWS
(Subject to change)

132LR0289(01)

SPONSOR: Representative MELANIE SACHS of Freeport

An Act to Revise the Growth Management Program Laws

Lead Cosponsor: (sign) _____

(print name) _____

Cosponsors pursuant to Joint Rule 206, subsection 1:

1. (sign) _____

(print name) _____

2. (sign) _____

(print name) _____

3. (sign) _____

(print name) _____

4. (sign) _____

(print name) _____

5. (sign) _____

(print name) _____

6. (sign) _____

(print name) _____

7. (sign) _____

(print name) _____

8. (sign) _____

(print name) _____

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

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

4 **§4301. Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 B. Habitats of threatened and endangered species and species of special concern as
- 2 designated and mapped under Title 12, chapter 925;
- 3 C. Significant freshwater fisheries spawning habitat as identified and mapped by the
- 4 Department of Inland Fisheries and Wildlife or the Department of Marine Resources;
- 5 D. Rare or exemplary natural communities as defined and mapped in the Natural Areas
- 6 Program under Title 12, section 544; and
- 7 E. Areas containing threatened or endangered plant species in the Natural Areas
- 8 Program under Title 12, section 544.

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

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

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

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

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

- 29 A. Construction or acquisition of newly constructed multifamily rental housing;
- 30 B. Development and redevelopment of high-impact corridors and other designated
- 31 growth areas that provide an opportunity for mixed-use development consisting of
- 32 residential, light industrial or business parks uses;
- 33 C. Construction or, extension or upgrade of sewer, water and other utility lines to
- 34 support designated growth areas;
- 35 D. Grants and loans for public or quasi-public service infrastructure, public or quasi-
- 36 public facilities, bicycle and pedestrian infrastructure and community buildings; and
- 37 E. Construction or expansion of state office buildings, state courts, hospitals and other
- 38 quasi-public facilities and other civic buildings that serve public clients and customers.

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

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

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

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

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

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

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

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

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

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

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

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

- 1 B. Habitat connections as identified by the Department of Inland Fisheries and
2 Wildlife's beginning with habitat program;
- 3 C. Focus areas of statewide ecological significance as identified in the Department of
4 Inland Fisheries and Wildlife's federally required wildlife action plan;
- 5 D. Exemplary natural communities as defined by the Natural Areas Program under
6 Title 12, section 544;
- 7 E. Important water resources and associated riparian habitat as identified by the
8 Department of Inland Fisheries and Wildlife's beginning with habitat program; or
- 9 F. Barriers and potential barriers to aquatic organism passage as identified by the
10 Department of Inland Fisheries and Wildlife's beginning with habitat program.

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

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

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

- 19 A. Includes compiled information regarding climate and health risks;
- 20 B. Includes an evaluation of options for addressing climate and health risks by
21 individuals, committees or offices in local or regional government that are responsible
22 for planning, implementing and monitoring activities that reduce climate risk, build
23 resilience to natural hazards and improve health and community capacity to manage
24 crises; and
- 25 C. Is produced using community dialogue and participation in a manner that ensures
26 the input and needs of the community's most vulnerable citizens are elevated and
27 prioritized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 F. To protect the State's ~~other~~ critical natural resources and important natural
 2 resources, including, without limitation, wetlands, wildlife and fisheries habitat, sand
 3 dunes, shorelands, scenic vistas and unique natural areas;
- 4 G. To protect the State's marine resources industry, ports and harbors from
 5 incompatible development and to promote access to the shore for ~~commercial~~
 6 fishermen persons who fish commercially and the public;
- 7 H. To safeguard the State's agricultural and forest resources from development ~~which~~
 8 that threatens those resources, including protecting forest soils, agricultural soils and
 9 access to farmland and promoting the viability of agriculture, in addition to
 10 safeguarding agricultural resources from development;
- 11 I. To preserve the State's historic and archeological resources;
- 12 J. To promote and protect the availability of outdoor recreation opportunities for all
 13 Maine citizens, including access to surface waters;
- 14 L. To encourage municipalities to develop policies that accommodate older adults with
 15 aging in place ~~and that encourage,~~ including the creation of age-friendly communities,
 16 appropriate housing and transportation access; and
- 17 N. To plan for the effects of ~~the rise in sea level~~ natural hazards, including, but not
 18 limited to, rising sea level, coastal and riverine flooding and extreme weather, on
 19 buildings, transportation infrastructure, sewage treatment facilities and other relevant
 20 state, regional, municipal or privately held infrastructure, property or resources, to
 21 build resilience to natural hazards and to promote consistency with the state climate
 22 action plan under Title 38, section 577; and
- 23 O. To develop local and regional coastal management policies that are consistent with
 24 Title 38, section 1801 for any part of a municipality or multimunicipal region that is a
 25 coastal area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 15 A. Address the needs identified pursuant to subsection 3;
- 16 B. Align with state goals listed in section 4312. The comprehensive plan must note if
17 a state goal is not applicable to the municipality or multimunicipal region; and
- 18 C. Align or, if applicable, conflict with the goals of the region.

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

- 21 A. Identification of and a description of land use policies and land use ordinances to
22 be adopted in order to align with the maps created pursuant to this section where those
23 policies and ordinances are applicable;
- 24 B. For municipalities with zoning ordinances, establishment of development standards
25 applicable to implement the goals in subsection 4;
- 26 C. Plans for capital investment and, if feasible, identification of sources of capital; and
- 27 D. Establishment of the timetable for the implementation program.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 B. ~~Certification by the former State Planning Office or the department of a~~
21 ~~municipality's or multimunicipal region's growth management program by the former~~
22 ~~State Planning Office or the department charged with reviewing growth management~~
23 ~~programs~~ under this article is valid for ~~40~~ 12 years. To maintain certification, a
24 municipality or multimunicipal region shall periodically review its growth
25 management program and submit to the department in a timely manner any revisions
26 necessary to account for changes, including changes caused by growth and
27 development. Certification does not lapse in any year in which the Legislature does not
28 appropriate funds to the department for the purposes of reviewing programs for
29 recertification.

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

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

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

- 1 (1) In its findings, the department shall clearly indicate its position on any point
2 on which there are significant conflicts among the written comments submitted to
3 the department.
- 4 (2) If the department finds that the growth management program was adopted in
5 accordance with the ~~procedures~~, goals and ~~guidelines~~ requirements established in
6 this subchapter, the department shall issue a certificate of consistency for the
7 growth management program.
- 8 (3) Notwithstanding paragraph D, if a municipality or multimunicipal region
9 requests a certificate of consistency for its growth management program, any
10 unmodified component of that program that has previously been reviewed by the
11 former State Planning Office or the department and has received a finding of
12 consistency will retain that finding during program certification review by the
13 department as long as the finding of consistency is current as defined in rules
14 adopted by the department;

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

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

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

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

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

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

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

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

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

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

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

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

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

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

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

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

- 5 A. The proposed use is not allowed anywhere in the municipality;
- 6 B. There are no reasonable alternative sites for or configurations of the project within
7 the municipality that would achieve the necessary public purposes;
- 8 C. There are no reasonable alternatives to the project, including sites in other
9 municipalities, that would achieve the necessary public purposes;
- 10 D. The project will result in public benefits beyond the limits of the municipality,
11 including, without limitation, access to public waters or publicly owned lands; and
- 12 E. The project is necessary to protect the public health, welfare or environment.

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

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

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

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

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

32 **Sec. 24. Office to adopt rules.** The Maine Office of Community Affairs,
33 established in the Maine Revised Statutes, Title 5, section 3202, shall amend existing rules
34 governing the growth management program to be consistent with the laws governing the
35 program as amended by this Act. Notwithstanding Title 30-A, section 4312, subsection 4,
36 rules adopted pursuant to this section are major substantive rules as defined in Title 5,
37 chapter 375, subchapter 2-A. The following placetype descriptions must be incorporated
38 into the rules.

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

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

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

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

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

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

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

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

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

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

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

MODERNIZE MAINE'S GROWTH MANAGEMENT LAW TO CREATE A MORE FLEXIBLE AND EFFECTIVE FRAMEWORK

Better outcomes in land use from housing and social spaces to protected lands.

Maine communities are dealing with complex challenges.

- Many municipalities are working to rebuild their local economies to recover from long-term industry shifts and support growth, while others are working to navigate significant population growth.
- Climate change requires new thinking about infrastructure, public services, and housing.
- Housing shortages are making it difficult for people to afford to live near their jobs and almost impossible for communities to attract new workers and families.
- Social isolation is a critical public health issue, impacting physical, mental, and emotional health.

Maine's 34-year-old Growth Management Law and Comprehensive Planning requirements are not supporting communities to address these challenges.

- Comprehensive planning is the tool that Maine municipalities – big and small – use to plan, illustrate, and envision how they want their communities to look and function in the future.
- The current process does not provide communities the tools they need. It requires too much red tape, exhausting communities before they can reach their goals.
- Outdated requirements neither link state goals and data to desired community outcomes nor integrate designated areas for growth, conservation, and resilience within those goals.
- The current process too often leads to a lengthy document that looks good, but “sits on a shelf” and does not get implemented.



Proposed new village, Windam Comprehensive Plan

Revising the Comprehensive Plan process and requirements will lead to better outcomes.

- Maine can revise comprehensive planning to focus on local priorities and implementation strategies for sustainable economic development, community revitalization, and strategic land protection.
- This bill updates definitions of critical natural resources, protects access to farmland, and promotes the viability of agriculture to safeguard Maine's rural character, working lands, and heritage industries.



Proposed infill & street improvements, Newcastle Comprehensive Plan

- It encourages municipalities to direct new development to growth areas, making efficient use of public services and existing infrastructure while preventing development sprawl and associated traffic.
- Updating our Growth Management Law will help Maine communities address the current housing crisis without undermining climate action or creating the next crisis in access to working farmland, forests, water, and outdoor recreation spaces.

Support Maine communities. Update the Growth Management Law.

For more information, please contact
Nancy Smith, GrowSmart Maine, at (207) 250-0220 or nsmith@growsmartmaine.org



Environmental Priorities Coalition

Maine's **Environmental Priorities Coalition** is an inclusive statewide alliance of 39 conservation, climate action, and public health organizations. Each year we collectively identify a slate of policy priorities to act on the climate crisis, further environmental justice, protect land, water, and wildlife, and cultivate healthy Maine communities.

