

**§3233. Municipal planning assistance program; review of programs**

**1. Comprehensive plans.** A municipality or multimunicipal region that chooses to prepare a growth management program and receives a planning grant under Title 30-A, chapter 187, subchapter 2 shall submit its comprehensive plan to the office for review. A municipality or multimunicipal region that chooses to prepare a growth management program without receiving a planning grant under this subchapter may submit its comprehensive plan to the office for review. The office shall review plans for consistency with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2. A contract for a planning assistance grant must include specific timetables governing the review of the comprehensive plan by the office. A comprehensive plan submitted for review more than 12 months following a contract end date may be required to contain data, projections and other time-sensitive portions of the plan or program that are in compliance with the office's most current review standards.

[PL 2025, c. 388, Pt. D, §12 (NEW).]

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

A. Upon a request for review under this section, the office shall review the program and determine whether the program is consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2. [PL 2025, c. 388, Pt. D, §12 (NEW).]

B. Certification by the Department of Agriculture, Conservation and Forestry or the office of a municipality's or multimunicipal region's growth management program under Title 30-A, chapter 187, subchapter 2 is valid for 10 years. To maintain certification, a municipality or multimunicipal region shall periodically review its growth management program and submit to the office in a timely manner any revisions necessary to account for changes, including changes caused by growth and development. Certification does not lapse in any year in which the Legislature does not appropriate funds to the office for the purposes of reviewing programs for recertification. [PL 2025, c. 388, Pt. D, §12 (NEW).]

C. Upon a request for review under this section, the office may review rate of growth, impact fee and zoning ordinances to determine whether the ordinances are consistent with a comprehensive plan that has been found consistent under this section without requiring submission of all elements of a growth management program. An affirmative finding of consistency by the office is required for a municipality or multimunicipal region to assert jurisdiction as provided in section 3234. [PL 2025, c. 388, Pt. D, §12 (NEW).]

[PL 2025, c. 388, Pt. D, §12 (NEW).]

**3. Review of growth management program.** In reviewing a growth management program, the office shall:

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

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

(2) Any regional council commenting on a growth management program shall determine whether the program is compatible with the programs of other municipalities that may be affected by the program and with regional policies or needs identified by the regional council; [PL 2025, c. 388, Pt. D, §12 (NEW).]

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region; [PL 2025, c. 388, Pt. D, §12 (NEW).]

C. Within 90 days after receiving the growth management program, send all written comments on the growth management program to the municipality or multimunicipal region and any applicable regional council. If warranted, the office shall issue findings specifically describing how the submitted growth management program is not consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2 and the recommended measures for remedying the deficiencies.

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

(2) If the office finds that the growth management program was adopted in accordance with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2, the office shall issue a certificate of consistency for the growth management program.

(3) Notwithstanding paragraph D, if a municipality or multimunicipal region requests a certificate of consistency for its growth management program, any unmodified component of that program that has previously been reviewed by the Department of Agriculture, Conservation and Forestry and has received a finding of consistency must retain that finding during program certification review by the office as long as the finding of consistency is current as defined in rules adopted by the office; [PL 2025, c. 388, Pt. D, §12 (NEW).]

D. Provide ample opportunity for the municipality or multimunicipal region submitting a growth management program to respond to and correct any identified deficiencies in the program. A finding of inconsistency for a growth management program 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 program must be resubmitted in its entirety for state review under the office's most current review standards; and [PL 2025, c. 388, Pt. D, §12 (NEW).]

E. Provide an expedited review and certification procedure for those submissions that represent minor amendments to certified growth management programs. [PL 2025, c. 388, Pt. D, §12 (NEW).]

The office's decision on consistency of a growth management program constitutes final agency action. [PL 2025, c. 388, Pt. D, §12 (NEW).]

**4. Review of comprehensive plan.** In reviewing a comprehensive plan, the office shall:

A. Solicit written comments on any proposed comprehensive plan from regional councils, state agencies, all municipalities contiguous to the municipality or multimunicipal region submitting a comprehensive plan and any interested residents of the municipality or multimunicipal region or of contiguous municipalities. The comment period extends for 25 business days after the office receives the comprehensive plan. Each state agency reviewing the proposal shall designate a person or persons responsible for coordinating the agency's review of the comprehensive plan; [PL 2025, c. 388, Pt. D, §12 (NEW).]

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region; [PL 2025, c. 388, Pt. D, §12 (NEW).]

C. Within 35 business days after receiving the comprehensive plan, notify the municipality or multimunicipal region if the plan is complete for purposes of review. If the office notifies the municipality or multimunicipal region that the plan is not complete for purposes of review, the office shall indicate in its notice necessary additional data or information; [PL 2025, c. 388, Pt. D, §12 (NEW).]

D. Within 10 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2 and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.

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

(2) If the office finds that the comprehensive plan was developed in accordance with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2, the office shall issue a finding of consistency for the comprehensive plan.

(3) A finding of inconsistency must identify the goals under Title 30-A, chapter 187, subchapter 2 not adequately addressed, specific sections of the rules relating to comprehensive plan review adopted by the office not adequately addressed and recommendations for resolving the inconsistency; [PL 2025, c. 388, Pt. D, §12 (NEW).]

E. Send all written findings and comments on the comprehensive plan to the municipality or multimunicipal region and any applicable regional council; and [PL 2025, c. 388, Pt. D, §12 (NEW).]

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. 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 office's most current review standards. [PL 2025, c. 388, Pt. D, §12 (NEW).]

If the office finds that a plan is not consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2, the municipality or multimunicipal region that submitted the plan may appeal that finding to the office within 20 business days of receipt of the finding in accordance with rules adopted by the office, which are routine technical rules pursuant to chapter 375, subchapter 2-A.

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

A finding by the office pursuant to paragraph D that a comprehensive plan is consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2 is valid for 12 years from the date of its issuance. For purposes of Title 30-A, section 4314, subsection 3 and Title 30-A, 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 Title 30-A, chapter 187, subchapter 2. [PL 2025, c. 388, Pt. D, §12 (NEW).]

**5. Updates and amendments.** A municipality or multimunicipal region may submit proposed amendments to a comprehensive plan or growth management program to the office for review in the same manner as provided for the review of new plans and programs. Subsequent to voluntary certification under Title 30-A, chapter 187, subchapter 2, the municipality or multimunicipal region shall file a copy of an amendment to a growth management program with the office within 30 days after adopting the amendment and at least 60 days prior to applying for any state grant program that offers a preference for consistency or certification. [PL 2025, c. 388, Pt. D, §12 (NEW).]

**6. Regional councils.** Subject to the availability of funding and pursuant to the conditions of a contract, each regional council shall review and submit written comments on the comprehensive plan

or growth management program of any municipality or multimunicipal region within its planning region. The comments must be submitted to the office and contain an analysis of:

A. Whether the comprehensive plan or growth management program is compatible with identified regional policies and needs; and [PL 2025, c. 388, Pt. D, §12 (NEW).]

B. Whether the comprehensive plan or growth management program is compatible with plans or programs of municipalities or multimunicipal regions that may be affected by the proposal. [PL 2025, c. 388, Pt. D, §12 (NEW).]

[PL 2025, c. 388, Pt. D, §12 (NEW).]

#### SECTION HISTORY

PL 2025, c. 388, Pt. D, §12 (NEW).

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