

MAINE STATE LEGISLATURE

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New Draft of: H. P. 1713, L. D. 2106
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2499

H. P. 1960

House of Representatives, February 7, 1974

Reported by Mr. Herrick from the Committee on Natural Resources and
printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

**AN ACT Clarifying the Provisions of the Waste Water Construction Grant
Program and Waste Water Pollution Control Planning Program.**

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

Sec. 1. R. S., T. 38, § 411, repealed and replaced. Section 411 of Title 38 of the Revised Statutes, as repealed and replaced by section 1 of chapter 538 of the public laws of 1967, and as amended, is repealed and the following enacted in place thereof:

§ 411. State contribution to pollution abatement

The department is authorized to pay an amount at least 15%, but not to exceed 25%, of the expense of a municipal or quasi-municipal pollution abatement construction program which has received federal approval and federal funds for construction. State grant-in-aid participation under this section shall be limited to grants for waste treatment facilities, interceptor systems and outfalls. The word "expense" shall not include costs relating to land acquisition or debt service.

All proceeds of the sale of bonds for the construction and equipment of pollution abatement facilities to be expended under the direction and supervision of the Department of Environmental Protection shall be segregated, apportioned and expended as provided by the Legislature.

Sec. 2. R. S., T. 38, § 412, repealed and replaced. Section 412 of Title 38 of the Revised Statutes, as repealed and replaced by section 1 of chapter 546 of the public laws of 1969 and as amended, is repealed and the following enacted in place thereof:

§ 412. Loans by State for planning

1. Noninterest-bearing loans by State for planning. The Department of Environmental Protection is authorized to pay an amount not in excess of 85% of the expense incurred by a municipality, quasi-municipal corporation, regional planning commission or council of government in planning a pollution abatement program in the form of a noninterest-bearing loan. Such amount may be in addition to any amounts previously paid by the department, but shall not be paid until the governing body of the municipality or the quasi-municipal corporation duly votes to proceed with a pollution abatement program.

A. Preliminary planning. For the purposes of this section, "preliminary planning" means engineering studies which include analysis of existing pollution problems; estimates of the cost of alternative methods of waste treatment, studies of areas to be served by the proposed facilities and estimates of the cost of serving such areas; preliminary sketches of existing and proposed sewer and treatment plant layouts; and estimates of alternative methods of financing including user charges, and other studies and estimates designed to aid the municipality, quasi-municipal corporation, regional planning commission or council of governments in deciding whether and how best to proceed with a pollution abatement program.

If the study leads to solutions not involving facilities construction eligible for federal reimbursements or results in solutions determined as non-feasible by the municipality and the Department of Environmental Protection, then the state planning loans shall be forgiven.

B. Final planning. For the purposes of this section, "final planning" means the preparation of engineering drawings and specifications for the construction of waste treatment facilities, interceptor systems and out-falls or other facilities specifically designated in departmental regulations. All proceeds from the sale of bonds for the planning of pollution abatement facilities to be expended under the direction and supervision of the Department of Environmental Protection shall be segregated, apportioned and expended as provided by the Legislature.

The Board of Environmental Protection shall establish rules and regulations it deems necessary to administer this section.

STATEMENT OF FACT

Sec. 1. This Act does not broaden the scope of the existing construction grant program.

The purpose of section 1 is to remove superfluous language such as references to no longer existing federal laws. In addition, the percent of maximum allowable participation is reduced from 30% and 35% to 25% because federal maximum allowable participation is now 75% by law. The provision for ad-

vancing grant money in anticipation of reimbursement of federal funds is eliminated because there is no longer a federal program of this type.

Sec. 2. The provision for planning grants is eliminated from this section and moved to a redraft of section 412.

The purpose of section 2 is to provide a realistic upper limit in terms of percent on the amount of money that can be loaned for planning activities. This will eliminate any possible doubts about the eligibility of legitimate planning activities for federal grants.

Elaborate and cumbersome allocation procedures which may not reflect the true costs of planning are repealed and replaced with a straight-forth percentage.

The net effect of this Act is to simplify the existing grant and loan programs and make the provisions of the statutes more clearly reflect existing federal and state practices.