

MAINE STATE LEGISLATURE

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CDK
R. of S.

L.D. 1879

(Filing No. H- 737)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1362, L.D. 1879, Bill, "An Act to Promote Sound Capital Investment As Part of Local Growth Management Programs"

Amend the bill by striking everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 5 MRSA §12004-I, sub-§24-A is enacted to read:

<u>24-A. Envi-</u>	<u>Planning</u>	<u>\$40/day</u>	<u>30-A</u>
<u>ronment</u>	<u>Advisory</u>	<u>plus ex-</u>	<u>MRSA</u>
	<u>Council</u>	<u>penses</u>	<u>§4341</u>

Sec. 2. 5 MRSA §12004-K, sub-§4-A, as enacted by PL 1989, c. 503, Pt. A, §38, is repealed.

Sec. 3. 5 MRSA c. 383, sub-c. VI. art. I is enacted to read:

Article I

MUNICIPAL GROWTH MANAGEMENT
AND CAPITAL INVESTMENT

§13112. Municipal Growth Management and Capital Investment Fund

1. Creation. The Municipal Growth Management and Capital Investment Fund is created as a nonlapsing fund to be used by the department only for the purposes of this article.

2. Deposited funds. Money in the fund not currently needed to meet the obligations of the department under this article must be deposited with the Treasurer of State to the credit of the fund with all interest earned by the deposit credited to the fund.

§13113. Assistance to municipalities

The department may make grants to eligible municipalities in support of capital investments in public service infrastructure as provided in this article.

2 1. Definitions. As used in this article, unless the
context otherwise indicates, the following terms have the
4 following meanings.

6 A. "Public service infrastructure" means those facilities
that are essential for public health, welfare and safety.
8 These facilities include, but are not limited to, sewage
treatment facilities, municipal water facilities, solid
10 waste facilities, fire protection facilities, roads and
traffic control devices, parks and other open space or
12 recreational areas and any other public facility that
benefits the public.

14 2. Eligibility. Any municipality is eligible to apply for
16 grants under this article when it has adopted and implemented a
certified local growth management program under the requirements
18 of Title 30-A, chapter 187, subchapter II. The program must
include a capital investment plan comprised of the following
20 elements:

22 A. An assessment of all public facilities and services,
including, but not limited to, roads, sewers, schools, parks
24 and open space, fire and police;

26 B. A 10-year plan for any needed replacement and expansion
of existing public facilities or the construction of any new
28 facilities required to meet expected growth and economic
development or to satisfy state or federal governmental
30 mandates. The capital investment plan shall include
projections of when and where these facilities will be
32 required; and

34 C. An assessment of the anticipated costs for replacement,
expansion or construction of public facilities, an
36 identification of revenue sources available to meet these
costs and recommendations for meeting costs required to
38 implement the plan.

40 3. Eligibility for municipalities without certified local
growth management programs. Prior to 2 years after the applicable
42 deadline date established under Title 30-A, section 4343,
subsection 1, any municipality is eligible for a grant under this
44 article when the department determines that the proposed project
is consistent with the grant criteria established under
46 subsection 4 and that the project is to be undertaken as part of
a local capital investment plan which includes the elements
48 specified under subsection 2, paragraphs A through C.

50 4. Grants criteria. The department shall develop, by rule,
criteria for the award of grants to eligible municipalities after
52 consultation with the Planning Advisory Council, established

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2 under Title 30-A, section 4341, and subject to the requirements
3 of this article.

4 A. The department shall give priority to those
5 municipalities that are experiencing rapid growth and that
6 possess a public service infrastructure inadequate to
7 accommodate that growth.

8
9 B. The department shall give priority to those
10 municipalities that have adopted and implemented a certified
11 local growth management program.

12
13 C. The department shall establish a preference for those
14 municipalities with higher local property tax burdens.

15
16 D. The department shall establish a preference for capital
17 investment projects undertaken jointly by 2 or more
18 municipalities or that provide substantial regional benefits.

19
20 E. The department shall establish local cost-sharing
21 requirements to ensure adequate local commitment to projects
22 receiving grants under this article and to ensure efficient
23 use of public funds.

24
25 F. The department shall adopt other criteria as it
26 determines necessary to ensure that grants made under this
27 article maximize the ability of municipalities to
28 accommodate planned growth and economic development.

29
30 5. Consistency. The department shall condition any grants
31 under this article on consistency with the municipality's
32 certified local growth management program or, in the case of
33 grants made on the basis of the eligibility criteria of
34 subsection 3, on consistency with the local capital investment
35 plan.

36
37 6. Coordination. The department shall coordinate the
38 grants made under this article with all other community
39 assistance grants administered by the department and with other
40 state assistance programs designed to accomplish similar
41 objectives, including those administered by the Department of
42 Educational and Cultural Services, the Department of
43 Transportation, the Maine Municipal Bond Bank and the Department
44 of Environmental Protection.

45 §13114. Report to the Legislature

46
47 As part of its biennial progress report under Title 30-A,
48 section 4341, subsection 2, the department shall report on the
49 grants program. The department may make any recommendations it
50 finds necessary to achieve more effectively the purposes of this

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article, including the appropriation of any necessary additional funds.

Sec. 4. 30-A MRSA §4341, sub-§3. ¶C, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

C. ~~Members shall not be compensated but shall be reimbursed~~ are entitled to compensation at the rate of \$40 per day for meetings of the Council and to reimbursement for all expenses directly related to their participation in council business.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Comprehensive Land Use Planning

Personal Services \$ 1,680
All Other (1,680)

Transfers available funds to cover per diems for the Planning Advisory Council.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT TOTAL

-0-

Sec. 6. Application; contingent on bond issue. This Act shall take effect only if a general revenue bond issue for municipal growth management and capital investment is approved by the voters of the State.

FISCAL NOTE

The Office of Comprehensive Land Use Planning will be able to absorb the cost of this bill within existing budgeted resources, except that a transfer of funds from All Other to Personal Services within the General Fund account of the office will be required. These costs will not be incurred nor the transfer implemented until a general revenue bond issue for municipal growth management and capital investment is approved by the voters of the State.'

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STATEMENT OF FACT

This amendment replaces the original bill. This amendment preserves the intent of the original bill while making several technical corrections and changing the general grant eligibility requirement to be the adoption and implementation of a certified local growth management program. The amendment revises the eligibility requirements for towns without certified local growth management programs to ensure consistency with the planning and certification schedule embodied in the growth management laws.

The amendment also adds 2 new grant criteria to give a preference to towns that have adopted certified local growth management programs and to establish local cost-share requirements. One of the grant criteria from the original bill regarding a preference for towns with high property tax burdens is amended to eliminate reference to the municipal revenue sharing formula. The Department of Economic and Community Development will develop an appropriate measure of property tax burden.

The amendment eliminates a provision of the original bill which established a new advisory commission. Rather, the amendment requires the department to consult with the Planning Advisory Council in the administration of the grants program. Finally, the amendment simplifies the reporting requirement of the original bill.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the House
1/22/90 (Filing No. H-737)