

MAINE STATE LEGISLATURE

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L.D. 1487

DATE: 3/25/94

(Filing No. H-942)

ENERGY & NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1100, L.D. 1487, Bill, "An Act to Improve Environmental Protection and Support Economic Development under the State's Land Use Laws"

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

PART A

Sec. A-1. 30-A MRSA §4314, sub-§2, as amended by PL 1993, c.73, §1 and c. 166, §4, is repealed and the following enacted in its place:

2. Zoning ordinances. Notwithstanding section 4352, subsection 2, any portion of a zoning ordinance that regulates land use beyond that required by Title 38, chapter 3, subchapter I, article 2-B and that is not consistent with a comprehensive plan adopted under this subchapter is void 24 months after adoption of the plan or by July 1, 1994, whichever date is later.

Sec. A-2. 30-A MRSA §4324, sub-§10 is enacted to read:

10. Amendments to an adopted plan. When amending an adopted comprehensive plan, a municipality shall follow the same procedures for citizen participation, public notice and public hearing that are required for adoption of a comprehensive plan.

COMMITTEE AMENDMENT

2 **Sec. A-3. 30-A MRSA §4326, sub-§3, ¶A, as amended by PL 1993,**
c. 166, §6, is further amended to read:

4 A. Identify and designate at least 2 basic types of
6 geographic areas:

8 (1) Growth areas, which are those areas suitable for
orderly residential, commercial and industrial
10 development forecast over the next 10 years. Each
municipality shall:

12 (a) Establish standards for these developments;

14 (b) Establish timely permitting procedures;

16 (c) Ensure that needed public services are
available within the growth area; and

18 (d) Prevent inappropriate development in natural
20 hazard areas, including flood plains and areas of
high erosion; and

22 (2) Rural areas, which are those areas where
24 protection should be provided for agricultural, forest,
open space and scenic lands within the municipality.
26 Each municipality shall adopt land use policies and
ordinances to discourage incompatible development.

28 These policies and ordinances may include, without
30 limitation: density limits; cluster or special zoning;
acquisition of land or development rights; or performance
32 standards.

34 A municipality is not required to identify growth areas for
36 residential growth if it demonstrates that it is not
38 possible to accommodate future residential growth in these
40 areas because of severe physical limitations, including,
42 without limitation, the lack of adequate water supply and
44 sewage disposal services, very shallow soils or limitations
46 imposed by protected natural resources; or it demonstrates
that the municipality has experienced minimal or no
residential development over the past decade and this
condition is expected to continue over the 10-year planning
period. A municipality exercising the discretion afforded
by this paragraph shall review the basis for its
demonstration during the periodic revisions undertaken
pursuant to section 4327;

48 **Sec. A-4. 30-A MRSA §4327, as amended by PL 1991, c. 622,**
50 Pt. F, §30, is further amended to read:

52 **§4327. Certification; revisions**

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-A- Except as provided in subsection 1, certification by the office of a municipality's local growth management program under this article is valid for 5 years. To maintain certification, a municipality shall periodically review and--revise its local 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. A-municipality-should update-its-program-at-least-once-every-5-years-in-accordance-with this-section.

1. Lack of resources to conduct recertification reviews. 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.

Sec. A-5. 30-A MRSA c. 187, sub-c. II, art. 2-A is enacted to read:

Article 2-A

Evaluation

§4331. Evaluation

The office shall conduct an ongoing evaluation process to determine the effectiveness of state and local efforts under this chapter to achieve the purposes and goals of this chapter. Working through the Land and Water Resources Council, the office shall seek the assistance of other state agencies. If requested, all state agencies shall render assistance to the office in this effort.

1. Criteria. In conducting the evaluation, the office shall develop criteria based on the goals of this chapter. The criteria must be objective, verifiable and, to the extent practicable, quantifiable.

2. Baseline conditions. The office shall establish a baseline of land use conditions at a level of detail sufficient to permit general comparison of state and regional trends in future land use development patterns.

3. Public input. The office shall incorporate opportunities for public input and comment into the evaluation process.

4. Level of analysis. The office shall evaluate the program generally at a regional and statewide level. To illustrate the impact of the program, the office shall compare land use development trends and patterns in a sample of towns that have

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2 participated in the program with a matched sample of towns that have not participated.

4 5. Periodic reports. Beginning on January 1, 1995, the office shall report in writing on the results of its evaluation process every 4 years and more frequently if necessary. The office shall submit its report to the joint standing committee of the Legislature having jurisdiction over natural resource matters.

10 Sec. A-6. 30-A MRSA §4345, first ¶, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

12 Under the provisions of this article, a municipality may request financial or technical assistance from the Office of Community Development, referred to in this article as the office, for the purpose of planning ~~or~~ and implementing a local growth management program. A municipality that requests and receives a financial assistance ~~from the office in the form of a planning assistance grant or an implementation assistance grant~~ shall develop and implement its growth management program in cooperation with the office under and in a manner consistent with the provisions of this article.

24 Sec. A-7. 30-A MRSA §4346, 2nd ¶, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

26 The office may enter into ~~planning or implementation~~ financial assistance grants only to the extent that funds are available. ~~In awarding the grants, the office shall use the municipal priority list and funding levels developed under the former section 4344.~~ In making grants, the office shall consider the need for planning in a municipality, the proximity of the municipality to other towns that are conducting or have completed the planning process and the economic and geographic role of the municipality within a regional context. The office may consider other criteria in making grants, as long as the criteria support the goal of encouraging and facilitating the adoption and implementation of a local growth management program consistent with the provisions of this article.

40 Sec. A-8. 30-A MRSA §4346, sub-§1, as enacted by PL 1991, c. 780, Pt. E, §2, is repealed.

44 Sec. A-9. 30-A MRSA §4346, sub-§2, as amended by PL 1993, c. 166, §8, is repealed.

46 Sec. A-10. 30-A MRSA §4346, sub-§§2-A and 2-B are enacted to read:

48 2-A. Financial assistance grants. A contract for a financial assistance grant must:

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- 2 A. Provide for the payment of a specific amount for the
purposes of planning and preparing a comprehensive plan;
- 4 B. Provide for the payment of a specific amount for the
purposes of implementing that plan; and
- 6
- 8 C. Include specific timetables governing the preparation
and submission of products by the municipality.

10 The office may not require a municipality to provide matching
12 funds in excess of 25% of the value of that municipality's
financial assistance contract.

14 2-B. Use of funds. A municipality may expend financial
16 assistance grants for:

- 18 A. The conduct of surveys, inventories and other
data-gathering activities;
- 20 B. The hiring of planning and other technical staff;
- 22 C. The retention of planning consultants;
- 24 D. Contracts with regional councils for planning and
related services;
- 26
- 28 E. Assistance in the development of ordinances;
- 30 F. Retention of technical and legal expertise for
permitting activities;
- 32 G. The updating of growth management programs or components
of a program; and
- 34
- 36 H. Any other purpose agreed to by the office and the
municipality that is directly related to the preparation of
38 a comprehensive plan or the preparation of policies,
programs and land use ordinances to implement that plan.

40 Sec. A-11. 30-A MRSA §4352, sub-§6, as enacted by PL 1989, c.
42 104, Pt. A, §45 and Pt. C, §10, is amended to read:

44 6. Effect on State. Any A zoning ordinance that is not
consistent with a comprehensive plan that is consistent with the
46 provisions of section 4326 is advisory with respect to the
State. Except as provided in this section, a state agency shall
48 comply with a zoning ordinance consistent with a comprehensive
plan that is consistent with the provisions of section 4326 in
50 seeking to develop any building, parking facility or other
publicly owned structure. The Governor or the Governor's
designee may, after public notice and opportunity for public

comment, including written notice to the municipal officers, waive any use restrictions in those ordinances upon finding that:

A. The proposed use is not allowed anywhere in the municipality;

B. There are no reasonable alternative sites for or configurations of the project within the municipality that would achieve the necessary public purposes;

C. There are no reasonable alternatives to the project, including sites in other municipalities, that would achieve the necessary public purposes;

D. The project will result in public benefits beyond the limits of the municipality, including without limitation, access to public waters or publicly owned lands; and

E. The project is necessary to protect the public health, welfare or environment.

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

PART B

Sec. B-1. 20-A MRSA §15908, sub-§4 is enacted to read:

4. Consistent siting. The state board shall adopt criteria governing applications under this chapter to direct construction projects for new schools to areas determined suitable under the provisions of Title 30-A, chapter 187, subchapter II, by the municipality within which the project will be located. The board may not require a minimum contiguous parcel size for the project as a condition of approval.

Sec. B-2. 30-A MRSA §4349, sub-§2, as amended by PL 1993, c. 166, §12, is further amended by amending the first paragraph to read:

2. Preference. When awarding grants or assistance under any of the following programs, state agencies shall give preference to a municipality that receives a certificate of consistency under section 4348 over a municipality that--has received a planning or implementation assistance grant but has not received certification within 4 years after accepting such a grant that does not obtain the certification within 4 years after receipt of the first installment of a financial assistance grant or rejection of an offer of financial assistance. This subsection applies to:

2 **Sec. B-3. 38 MRSA §1163**, as enacted by PL 1981, c. 466, §9,
is repealed and the following enacted in its place:

4 **§1163. Sewer extensions**

6 A sanitary district may not construct any sewer extension
unless:

8 1. Assurance. The sanitary district acquires from any
10 municipality through which the sewer extension will pass written
assurance that:

12 A. Any development, lot or unit intended to be served by
14 the sewer extension is in conformity with any adopted
16 municipal plans and ordinances regulating land use; and

18 B. The sewer extension is consistent with adopted municipal
plans and ordinances regulating land use.

20 The trustees of the district shall publish notice of the proposed
22 extension in a newspaper having a general circulation that
24 includes all municipalities through which the sewer extension
will pass not less than 7 days prior to the meeting at which the
trustees will take final action on whether or not to proceed with
the extension.

26 **Sec. B-4. 38 MRSA §1163-A** is enacted to read:

28 **§1163-A. Coordination with municipal planning**

30 To facilitate coordination of municipal planning and sewer
32 extension planning:

34 1. Sanitary districts. The trustees of a sanitary district
shall cooperate with municipal officials in the development of
36 municipal growth management and other land use plans and
ordinances; and

38 2. Municipalities. Municipal officers shall cooperate with
40 the trustees of a sanitary district during the consideration of
42 development applications that may affect the operations of the
district.

44 **Sec. B-5. 38 MRSA §1252, sub-§7**, as enacted by PL 1981, c.
466, §13, is repealed and the following enacted in its place:

48 7. Sewer extensions. A sewer district may not construct any
sewer extension unless:

50 A. The district acquires from any municipality through
52 which the sewer extension will pass written assurance that:

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- (1) Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and
- (2) The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.

The trustees of the district shall publish notice of the proposed extension in a newspaper having a general circulation that includes all municipalities through which the sewer extension will pass not less than 7 days prior to the meeting at which the trustees will take final action on whether or not to proceed with the extension.

Sec. B-6. 38 MRSA §1252, sub-§9 is enacted to read:

9. Coordination with municipal planning. To facilitate coordination of municipal planning and sewer extension planning:

A. The trustees of a sewer district shall cooperate with municipal officials in the development of municipal growth management and other land use plans and ordinances; and

B. Municipal officers shall cooperate with the trustees of a sewer district during the consideration of development applications that may affect the operations of the district.

PART C

Sec. C-1. 5 MRSA c. 314 is enacted to read:

CHAPTER 314

COORDINATION OF LAND USE AND NATURAL RESOURCE MANAGEMENT

§3331. Land and Water Resources Council

1. Council established; membership. In order to facilitate more effective interagency coordination of the State's activities regarding natural resource and land use management, the Land and Water Resources Council, referred to in this chapter as the "council," is established. The chair of the council is appointed by and serves at the pleasure of the Governor. The membership of the council is as follows:

A. The Commissioner of Agriculture, Food and Rural Resources;

B. The Commissioner of Conservation;

- 2 C. The Commissioner of Environmental Protection;
4 D. The Commissioner of Human Services;
6 E. The Commissioner of Inland Fisheries and Wildlife;
8 F. The Commissioner of Marine Resources;
10 G. The Commissioner of Transportation;
12 H. The Commissioner of Economic and Community Development;
14 and
16 I. The Director of the State Planning Office.

18 2. Duties; responsibilities. The council shall advise the
20 Governor, the Legislature and state agencies in the formulation
22 of policies for management of the State's land and water
24 resources to achieve state environmental, economic and social
 goals pursuant to Title 30-A, section 4312. Any state, federal,
 regional or local agency or private organization may interact and
 cooperate with the council in fulfilling the goals.

26 Specifically, the council shall:

28 A. Recommend coordinated state policy regarding major
30 programs or proposals that affect the natural environment of
 the State and land use management issues and that involve
 the concerns of more than one state agency;

32 B. Support the full implementation of an integrated program
34 to provide a substantially improved land and water resources
 information base for planning purposes;

36 C. Provide direction to the State's land and water use
38 planning and management programs and encourage coordination
40 of these efforts through review and comment on agency
 program plans, specific projects and legislative proposals
 that involve interagency concerns;

42 D. Periodically evaluate, in consultation with affected
44 interests, the State's environmental regulatory system and
46 growth management program, including legislation,
 regulations and procedures, and recommend appropriate
 action, if any is needed to improve service to applicants
 and municipalities;

48 E. Study specific land and water resources management
50 issues and problems of state-level significance in order to
52 develop sound, coordinated policies; and

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2 F. Seek cooperation from federal agencies with
3 responsibilities for land and water resources management to
4 ensure that their programs and projects serve the best
5 interests of the State.

6 3. Tasks for 1994. During the calendar year 1994, the
7 council shall undertake the following tasks. The council shall
8 report on its progress, together with any necessary implementing
9 legislation as part of its January 1995 annual report.

10 A. In order to improve the coordination of land use
11 programs that contain both state and locally administered
12 elements, the council shall consider the desirability and
13 feasibility of consolidating into a single administrative
14 unit the growth management laws, the shoreland zoning laws,
15 the wellhead protection laws, the nonpoint source water
16 quality laws and the subsurface wastewater disposal laws.
17 The council may consider incorporating other related
18 programs. The council may include in its recommendations
19 any statutory changes necessary to accomplish this objective.

20 B. To encourage orderly and sound development, the council
21 shall design and implement a system for coordinating the
22 programs of its member agencies with the goals under Title
23 30-A, section 4312.

24 4. Quarterly meetings; annual report. The council shall
25 meet at least quarterly. In addition, the council shall prepare
26 a work program for each year establishing priorities among its
27 efforts. By January 15th of each year, the council shall prepare
28 and submit to the Governor and to the joint standing committee of
29 the Legislature having jurisdiction over natural resource matters
30 an annual report describing its activities during the previous
31 calendar year and an outline of anticipated activities for the
32 current calendar year. Member agencies shall provide staff
33 support.

34 **Sec. C-2. 38 MRSA §488, sub-§14 is enacted to read:**

35 14. Developments within designated growth areas. The
36 following provisions apply to developments within a designated
37 growth area.

38 A. A development is exempt from review under traffic
39 movement, flood plain, noise and infrastructure standards
40 under section 484 if that development is located entirely
41 within:

42 (1) A municipality that has adopted a local growth
43 management program that the Department of Economic and
44 Community Development has certified under Title 30-A,
45 section 4348; and

2 (2) An area designated in that municipality's local
4 growth management program as a growth area.

6 An applicant claiming an exemption under this paragraph
8 shall include with the application a statement from the
10 Department of Economic and Community Development affirming
12 that the location of the proposed development meets the
14 provisions of subparagraphs (1) and (2).

16 An applicant claiming an exemption under this paragraph
18 shall publish a notice of that application in a newspaper of
20 general circulation in the region that includes the
22 municipality in which the development is proposed to occur.
24 That notice must include a statement indicating the standard
26 or standards for which the applicant is claiming an
28 exemption.

30 B. The commissioner may require application of the traffic
32 movement, noise, flood plain or infrastructure standards to
34 a proposed development if the commissioner determines, after
36 receipt of a petition under subparagraph (1) or on the
38 commissioner's own initiative under subparagraph (2), that a
40 reasonable likelihood exists that the development will have
42 a significant and unreasonable impact on traffic movement,
44 flood plains, infrastructure or noise beyond the boundaries
46 of the municipality within which the development is to be
48 located.

50 (1) Within 15 working days after the publication of
 the notice required under paragraph A, municipal
 officers or residents of the municipality in which the
 development is proposed to occur or municipal officers
 or residents of an abutting municipality may petition
 the commissioner to apply one or more of the standards
 for which an exemption is claimed under this
 subsection. A petition must be signed either by the
 municipal officers of the petitioning municipality or
 by 10% of that number of registered voters of the
 petitioning municipality casting ballots in the most
 recent gubernatorial election or 150 registered voters
 of the petitioning municipality, whichever is less.
 The petition must include the name and legal address of
 each signatory and must designate one signatory as the
 contact person. The commissioner shall notify the
 contact person and the applicant of the commissioner's
 decision within 10 working days after receipt of a
 petition meeting the requirements of this subsection.
 A decision by the commissioner under this subparagraph
 is appealable to the board.

(2) A decision to require the application of one or more standards made on the commissioner's own initiative must be made within 15 working days after the application is filed with the department.

Nothing in this subsection may be construed to exempt a proposed development from review for flooding potential due to increases in stormwater runoff caused by the development.

Sec. C-3. Review of issues affecting sawmills. In consultation with affected parties, the Commissioner of Environmental Protection shall conduct a review of issues related to licensure and relicensure of sawmill facilities under the site location of development laws. The commissioner shall investigate opportunities to use the permit-by-rule and other alternative regulatory techniques authorized under current law. On or before March 1, 1995, the commissioner shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the results of this review, together with any recommendations for statutory change the commissioner may feel necessary.

PART D

Sec. D-1. 5 MRSA §12004-I, sub-§6-D is enacted to read:

<u>6-D. Economic Development</u>	<u>Municipal Capital Investment Advisory Commission</u>	<u>Not Authorized</u>	<u>30-A MRSA §5953-C</u>
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Sec. D-2. 30-A MRSA §5903, sub-§8-A is enacted to read:

8-A. Public service infrastructure. "Public service infrastructure" means those facilities that are essential for public health, welfare and safety. Those facilities include, without limitation, sewage treatment facilities, municipal water supply and treatment facilities, solid waste facilities, fire protection facilities, roads, traffic control devices and other transportation facilities, parks and other open space or recreational areas, public access to coastal and inland waters and any other public facility that benefits the public.

Sec. D-3. 30-A MRSA §5953-C is enacted to read:

§5953-C. Assistance from Municipal Infrastructure Investment Trust Fund

1. Application. In addition to the other forms of financial assistance available under section 6006-D, an eligible

2 municipality or group of municipalities may apply for a grant or
4 loan from the Municipal Infrastructure Investment Trust Fund, in
6 this section called the "fund," the proceeds of which must be
8 used to acquire, design, plan, construct, enlarge, repair,
10 protect or improve public service infrastructure owned by the
12 applicant.

8 The bank, in conjunction with the Department of Economic and
10 Community Development, may prescribe an application form or
12 procedure for an eligible municipality or group of municipalities
14 to apply for a grant or loan under this section. The application
16 must include all information necessary for the purpose of
18 implementing this section and section 6006-D.

16 2. Loan; loan agreements. Loans from the fund are subject
18 to this subsection.

18 A. The bank may make loans from the fund to an eligible
20 municipality or group of municipalities for one or more of
22 the purposes set forth in subsection 1. Each of the loans
24 is subject to the following conditions.

24 (1) The total amount of loans outstanding at any one
26 time from the fund may not exceed the balance of the
28 fund; the proceeds of bonds or notes of the bank
30 deposited in the fund, revenues from other sources
32 deposited in the fund and binding financial commitments
34 of the United States to deposit money in the fund must
36 be included in determining the fund balance.

32 (2) The loan must be evidenced by a municipal bond or
34 other debt instrument, payable by the municipality over
36 a term not to exceed 40 years with annual principal or
38 interest payments commencing not later than one year
40 after the project being financed is completed.

38 (3) The rate of interest charged for the loans must be
40 at or below market interest rates.

40 (4) Subject to the limitations of subparagraph (3),
42 the rate of interest charged for the loans made to
44 municipalities under this section or the manner of
46 determining the rate of interest must be established
48 from time to time by direction of the bank, taking into
50 consideration the current average rate on outstanding
52 marketable obligations.

48 B. Loans made to a municipality by the bank under this
50 section must be evidenced by and made in accordance with the
52 terms and conditions specified in a loan agreement to be
54 executed by the bank and the municipality. The loan
56 agreement must specify the terms and conditions of

2 disbursement of loan proceeds. The loan agreement must
3 state the term and interest rate of the loan, the scheduling
4 of loan repayments and any other terms and conditions
5 determined necessary or desirable by the bank.

6 3. Eligibility certification. The bank may not make a
7 grant or loan to a municipality or group of municipalities under
8 this section until:

10 A. The applicant certifies to the bank that it has secured
11 all permits, licenses and approvals necessary to construct
12 the improvements to be financed by the grant or loan;

14 B. In the case of a loan, the applicant demonstrates to the
15 bank that it has established a rate, charge or assessment
16 schedule that generates annually sufficient revenue to pay,
17 or has otherwise provided sufficient assurances that it
18 pays, the principal of and interest on the municipal bond or
19 other debt instrument that evidences the loan made by the
20 bank to the municipality pursuant to the loan agreement
21 under this section and to pay reasonably anticipated costs
22 of operating and maintaining the financed project and the
23 system of which it is a part;

24 C. In the case of a loan, the applicant certifies to the
25 bank that it has created a dedicated source of revenue that
26 may constitute general revenues of the applicant through a
27 general obligation pledge of the applicant for repayment of
28 the loan; and

30 D. The Department of Economic and Community Development
31 affirms that the applicant has met the conditions of this
32 paragraph.

34 (1) A municipality is eligible to receive a grant or a
35 loan, or a combination of both, if that municipality
36 has adopted a local growth management program certified
37 under section 4348 that includes a capital improvement
38 program comprised of the following elements:

40 (a) An assessment of all public facilities and
41 services, such as, but not limited to, roads and
42 other transportation facilities, sewers, schools,
43 parks and open space, fire and police;

44 (b) An annually reviewed 5-year plan for the
45 replacement and expansion of existing public
46 facilities or the construction of such new
47 facilities as are required to meet expected growth
48 and economic development. The plan must include
49 projections of when and where those facilities
50 will be required; and
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(c) An assessment of the anticipated costs for replacement, expansion or construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the Department of Economic and Community Development to be consistent with section 4326, subsections 1 to 4; and

(b) The request for a loan is part of a complete application for financial assistance that is filed on or before December 31, 1998.

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of subparagraphs (1) or (2) may jointly apply for assistance under this section.

4. Criteria; conditions. The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of loans and grants to eligible municipalities after consultation with the Municipal Capital Investment Advisory Commission and subject to the requirements of this section. The department shall:

A. Give priority to those municipalities that are experiencing rapid growth and possess a public service infrastructure inadequate to accommodate that growth;

B. Establish a preference for those municipalities eligible under subsection 3, paragraph D, subparagraph (1) over those municipalities eligible under subsection 3, paragraph D, subparagraph (2);

C. Establish a preference for those municipalities with higher local property tax burdens. The comparative local property tax burden must be determined under section 5681;

D. Establish a preference for capital investment projects undertaken jointly by 2 or more municipalities or that provide substantial regional benefits;

E. Adopt other criteria as it determines necessary to ensure that loans and grants made under this section maximize the ability of municipalities to accommodate planned growth and economic development; and

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2 F. Condition any loans and grants under this section on
4 consistency with the municipality's comprehensive plan or
local growth management program.

6 5. Coordination. The bank shall coordinate the loans and
8 grants made under this section with all other community
10 assistance loans and grants administered by the Department of
12 Economic and Community Development and with other state
14 assistance programs designed to accomplish similar objectives,
including those administered by the Department of Education, the
Department of Transportation and the Department of Environmental
Protection.

16 6. Municipal Capital Investment Advisory Commission. The
18 Municipal Capital Investment Advisory Commission is established
20 to provide expert assistance and input to the Department of
22 Economic and Community Development on the development of loans
24 and grants criteria under this section. The commission is
26 composed of 5 members who shall serve staggered 4-year terms
28 except that the terms of the initial members are as follows: one
member serves for 2 years; 2 members serve for 3 years; and 2
members serve for 4 years. The Governor shall appoint the
members who must each have expertise and experience in municipal
government or locally supported regional associations. The
commission shall meet at least twice annually and shall review
the loans and grants criteria annually.

30 7. Report to the Legislature. The bank shall report to the
32 joint standing committee of the Legislature having jurisdiction
34 over natural resource matters no later than January 1, 1995 and
36 biennially thereafter on the loans and grants program. The bank
may make any recommendations it finds necessary to more
effectively achieve the purposes of this section, including the
appropriation of any necessary additional funds.

38 **Sec. D-4. 30-A MRS §5959, sub-§1, ¶A, as enacted by PL 1991,**
c. 605, §11, is amended to read:

40 A. Implement sections 5953-A, 5953-B, 5953-C, 6006-A and,
42 6006-B and 6006-D to ensure the self-sustaining nature of
44 the funds created under sections 6006-A and 6006-B and that
portion of the fund under section 6006-D determined to be
self-sustaining; and

46 **Sec. D-5. 30-A MRS §6006-D is enacted to read:**

48 **§6006-D. Municipal Infrastructure Investment Trust Fund**

50 1. Establishment; administration. The Municipal
Infrastructure Investment Trust Fund, referred to in this section

as the "fund," is established in the custody of the bank as a special fund as provided in this section.

A. The purpose of the fund is to provide financial assistance under subsection 2 for the acquisition, design, planning, construction, enlargement, repair, protection or improvement of public service infrastructure.

B. The bank shall administer the fund. The fund must be invested in the same manner as permitted for investment of funds belonging to the State or held in the State Treasury. The fund must be established and held separate from any other funds or money of the State or the bank and used and administered exclusively for the purpose of this section and section 5953-C. The fund consists of the following:

(1) Sums that are appropriated by the Legislature or transferred to the fund from time-to-time by the Treasurer of State;

(2) Principal and interest received from the repayment of loans made from the fund;

(3) Capitalization grants and awards made to the State or an instrumentality of the State by the Federal Government for any of the purposes for which the fund has been established. These amounts must be paid directly into the fund without need for appropriation by the State;

(4) Interest earned from the investment of fund balances;

(5) Private gifts, bequests and donations made to the State for any of the purposes for which the fund has been established;

(6) The proceeds of notes or bonds issued by the State for the purpose of deposit in the fund;

(7) The proceeds of notes or bonds issued by the bank for the purpose of deposit in the fund; and

(8) Other funds from any public or private source received for use for any of the purposes for which the fund has been established.

2. Uses. The fund may be used for one or more of the following purposes:

A. To make grants and loans to municipalities under this section and section 5953-C;

ANS

2 B. To guarantee or insure, directly or indirectly, the
4 payment of notes or bonds issued or to be issued by a
6 municipality for the purpose of financing the construction
of any capital improvement described in section 5953-C,
subsection 1;

8 C. To guarantee or insure, directly or indirectly, funds
10 established by municipalities for the purpose of financing
12 construction of any capital improvement described in section
5953-C, subsection 1;

14 D. To invest available fund balances and to credit the net
interest income on those balances to the fund;

16 E. To invest as a source of revenue or security for the
18 payment of principal and interest on general or special
20 obligations of the bank if the proceeds of the sale of the
22 obligations have been deposited in the fund or loaned to
eligible participants in the programs financed with the
fund, or as a source of revenue to subsidize municipal loan
payment obligations; and

24 F. To pay the costs of the bank associated with the
26 administration of the fund and projects financed by it as
28 long as no more than 2% of the aggregate of the highest fund
balance in any fiscal year is used for these purposes.

30 3. Establishment of accounts. The bank may establish
32 accounts and subaccounts within the fund as it determines
34 desirable to effectuate the purposes of this section, including,
but not limited to, accounts to segregate a portion of the fund
for grants and as security for bonds issued by the bank for
deposit in the fund and to be invested for the benefit of
specified projects receiving financial assistance from the fund.

PART E

38 **Sec. E-1. 30-A, §7501, sub-§5-A is enacted to read:**

40 5-A. Watershed districts. Participation in watershed
42 management districts organized under Title 38, chapter 23;

44 **Sec. E-2. 38 MRSA §2001, as amended by PL 1989, c. 106, §1,**
46 **is further amended to read:**

48 **§2001. Watershed districts authorized**

50 Watershed districts may be created pursuant to this section
52 to protect, restore and maintain the water--quality natural
functions and values of coastal wetlands; freshwater wetlands;
rivers, streams and great ponds; coastal harbors; bays; estuaries

2 and marine waters and to manage and conserve the land and water
3 resources of watersheds of great-pends those resources within the
4 jurisdictions of these districts. The terms "watershed district"
5 and "lake management district" are used interchangeably in this
6 chapter. The natural functions and values of those resources
7 include water quality, water quality maintenance, aquatic and
8 wildlife habitat, scenic quality and floodwater storage and
9 conveyance. The term "participating water district," as used in
10 this chapter, means a water district, as defined by Title 35-A,
11 section 6101, subsection 3, included in the application provided
12 for by section 2002.

13 **Sec. E-3. 38 MRSA §2002**, as amended by PL 1989, c. 890, Pt.
14 A, §40 and Pt. B, §§280 to 283, is further amended to read:

15 **§2002. Formation**

16 **1. Initiation.** The municipal officers of the municipality
17 or municipalities, or portions of the municipality or
18 municipalities, or the residents of unorganized territory who
19 desire to form a watershed district shall file an application
20 with the Board of Environmental Protection a statement of intent
21 to organize on a form or forms to be prepared by the
22 commissioner, setting forth the name or names of the municipality
23 or municipalities, or portions of the municipality or
24 municipalities or, in the case of residents of unorganized
25 territory, the names of those residents that propose to be
26 included in the district and they shall furnish such other data
27 as the board commissioner determines necessary and proper. The
28 application must contain, but is not limited to, a description of
29 the territory of the proposed district, the names of water
30 districts that utilize water from surface or ground water
31 supplies within the territory of the proposed district, the name
32 proposed for the district, which must include the words
33 "watershed district" or "lake management district," and a
34 statement showing the existence in that territory of the need for
35 a coordinated approach to lake watershed management as provided
36 in this chapter.

37 **2. Initiation by referendum.** Residents of a municipality
38 or municipalities, or portions thereof, that desire to form a
39 watershed district may petition the municipal officers to file an
40 application for a statement of intent to form a watershed
41 district with the Board of Environmental Protection commissioner.
42 The petition must contain a description of the territory of the
43 proposed district.

44 Upon receipt of a written petition signed by at least 10% of the
45 number of voters voting for the gubernatorial candidates at the
46 last statewide election in that proposed district, the municipal
47 officers shall submit the question to the voters of the proposed
48 district at the next general, primary or special election within

the proposed district. The referendum question must read as follows:

"Shall the municipal officers representing the proposed watershed district, consisting of (describe the territory of the proposed district), ~~file an application for a watershed district with the Board of Environmental Protection on behalf of the residents of~~ initiate proceedings to form the proposed district?"

If the referendum question is approved by a majority of the legal voters voting at the election, provided that the total number of votes cast for and against the referendum question equals or exceeds 20% of the total number of votes cast in the proposed district in the last gubernatorial election, the municipal officers representing the residents of the proposed watershed district shall ~~file an application for that~~ a statement of intent to form the proposed district in accordance with subsection 1.

~~3. Public hearing. Upon receipt of the application, the Board of Environmental Protection shall hold a public hearing regarding the application in one of the municipalities within the proposed district or, in the case of an application made solely by residents of unorganized territory, at some convenient place within the boundaries of the proposed district.~~

4. Commissioner convenes joint meeting. ~~After the public hearing on the evidence received at the hearing, the board shall make findings of fact and conclusions and determine of record whether or not the conditions requisite for the creation of a watershed district exist in the territory described in the application. If the board finds that such conditions do exist, it shall issue an order approving the proposed district as conforming to the requirements of this chapter and designating the name of the proposed district. The~~ Upon receiving a complete statement of intent to form a watershed district, the commissioner shall give notice to participating water districts, the municipal officers within the municipality or municipalities involved and, when unorganized territory is involved, to the persons signing the application described in subsection 1 and the commissioners of the county in which the unorganized territory is located of a date, time and place of a meeting of the municipal officers of the municipality or municipalities involved and, when unorganized territory is involved, a joint meeting of all the persons signing the application described in subsection 1 and the commissioners of the county in which the unorganized territory is located. The notice must be in writing and sent by registered or certified mail, return receipt requested, to the addresses shown on the application described in subsection 1 and, in the case of county commissioners, to the addresses of those commissioners obtained from the county clerk. A return receipt properly

2 endorsed is evidence of the receipt of notice. The notice must be
mailed at least 10 days prior to the date set for the meeting.

4 ~~5. Denial of application. If the board, after that public~~
5 ~~hearing, determines that the creation of a watershed district in~~
6 ~~the territory described in the application is not warranted for~~
7 ~~any reason, it shall make findings of fact and conclusions and~~
8 ~~enter an order denying its approval. The commissioner shall give~~
9 ~~notice of that denial by mailing certified copies of the decision~~
10 ~~and order to participating water districts, the municipal~~
11 ~~officers of the municipality or municipalities involved and, when~~
12 ~~unorganized territory is involved, to the persons signing the~~
13 ~~application described in subsection 1 and the commissioners of~~
14 ~~the county in which the unorganized territory is located. No~~
15 ~~application for the creation of a watershed district, consisting~~
16 ~~of exactly the same territory, may be entertained within one year~~
17 ~~after the date of the issuance of an order denying approval of~~
18 ~~the formation of that watershed district, but this provision does~~
19 ~~not preclude action on an application for the creation of a~~
20 ~~watershed district embracing all or part of the territory~~
21 ~~described in the original application, provided that another~~
22 ~~municipality or fewer municipalities, or other or fewer sections~~
23 ~~thereof, are involved or that a different area of unorganized~~
24 ~~territory is involved or, in the case of an application made~~
25 ~~solely by residents of unorganized territory, that an allegation~~
26 ~~of change in circumstances from those existing on the date of the~~
27 ~~previous application must be furnished to the board with the~~
28 ~~resubmitted application.~~

30 **6. Joint meeting.** The persons, other than participating
31 water districts, to whom the notice described in subsection 3 4
32 is directed shall meet at the time and place appointed. When more
33 than one municipality or unorganized territory is involved, the
34 persons shall organize by electing a chair and a secretary. An
35 action may not be taken at any such meeting unless, at the time
36 the meeting is convened, there are present at least 1/2 of the
37 total number of municipal officers eligible to attend and
38 participate at the meeting and, when the proposed district
39 includes or is composed solely of unorganized territory, at least
40 2/3 of the persons signing the application described in
41 subsection 1 and at least 2 commissioners of the county in which
42 the unorganized territory is located, other than to report to the
43 commissioner that a quorum was not present and to request the
44 commissioner to issue a new notice for another meeting. The
45 purpose purposes of the meeting is are to develop a declaration
46 of district responsibilities and to determine a fair and
47 equitable number of trustees, subject to section 2004, to be
48 elected by and represent each participating municipality or, in
49 the case of unorganized territory, the residents of that
50 territory within the bounds of the proposed district. The
51 declaration of district responsibilities must list the powers and
52 duties of the proposed watershed district. These powers and

1 duties are limited to those authorized under section 2007. The
2 declaration must also include a method of determining each
3 municipality's proportional share, and where unorganized
4 territory is involved, that unorganized territory's share, of the
5 proposed district's annual budget. When a decision has been
6 reached on a declaration of district responsibilities, the number
7 of trustees and the number to represent each municipality or the
8 residents of the unorganized territory within the bounds of the
9 proposed district, subject to the limitations provided, this
10 decision must be reduced to writing by the secretary and must be
11 approved by a 2/3 vote of those present. When 2 or more
12 municipalities are, or unorganized territory is, involved, the
13 vote so reduced to writing and the record of the meeting must be
14 signed by the chair and attested by the secretary and filed with
15 the commissioner. When a single municipality is involved, a copy
16 of the vote of the municipal officers duly attested by the clerk
17 of the municipality must be filed with the commissioner.

18
19 **6-A. Water district representation.** The trustees of each
20 participating water district shall annually appoint one water
21 district official or staff person to serve as a trustee of the
22 watershed district for a one-year term.

23
24 **7. Submission.** When the record of the municipality or the
25 record of the joint meeting, when municipalities are, or
26 unorganized territory is, involved, has been received by the
27 commissioner and found by the commissioner to be in order, the
28 commissioner shall order the question of the formation of the
29 proposed watershed district and other related questions to be
30 submitted to the legal voters residing within that portion of the
31 municipality, municipalities or unorganized territory that falls
32 within the proposed watershed district. The order must be
33 directed to the municipal officers of the municipality or
34 municipalities which propose to form the watershed district and,
35 when the proposed watershed district includes or is composed
36 solely of unorganized territory, to the commissioners of the
37 county in which the unorganized territory is located, directing
38 them to call town meetings, city elections or a meeting of the
39 residents of the unorganized territory within the bounds of the
40 proposed watershed district for the purpose of voting in favor of
41 or in opposition to each of the following articles or questions,
42 as they may apply, in substantially the following form:

43 A. To see if the town (or city) of (name of town or city)
44 will vote to incorporate as a watershed district to be
45 called (name) Watershed District;

46
47 B. To see if the residents of the following described
48 section of the town (or city) of (name of town or city) will
49 vote to incorporate as a watershed district to be called
50 (name) Watershed District: (legal description of the bounds
51 of section to be included);
52

2 C. To see if the residents of the (following described
4 section of) (name of town or city) (unorganized territory)
6 will vote to join with the residents of the (following
8 described section of) (name of town or city) (unorganized
10 territory) to incorporate as a watershed district to be
12 called (name) Watershed District: (legal description of the
14 bounds of the proposed watershed district, except where the
16 district is to be composed of entire municipalities);

12 D. To see if the inhabitants of the following described
14 section of that unorganized territory known as Township
16 (number), Range (number) will vote to incorporate as a
watershed district to be called (name) Watershed District:
(legal description of the bounds of the proposed watershed
district);

18 E. To see if the residents of (the above described section
20 of) (name of town or city) will vote to approve the total
22 number of trustees and the allocation of representation
24 among the municipalities (and included section of
unorganized territory) on the board of trustees as
determined by the municipal officers (and the persons
representing the included area of unorganized territory) and
listed as follows:

26 Total number of trustees shall--be is and the
28 residents of (the above described section of) (town or city)
30 shall-be are entitled to trustees (and the residents
of the above described section of unorganized territory
shall-be are entitled to trustees); and

34 F. To choose (number) trustees to represent the residents
of (the above described section) of (town or city)
(unorganized territory) on the board of trustees of the
36 (name) Watershed District; and

38 G. To see if the residents of (the above described section
40 of) (name of town or city or included section of unorganized
42 territory) will vote to adopt a declaration of district
responsibilities that describes and restricts the powers of
the (name) Watershed District.

44 At any such town meeting, city election or election by the
46 residents of the proposed watershed district, trustees shall must
be chosen to represent the municipality or the unorganized
48 territory within the proposed watershed district in the manner
provided in section 2005.

50 Sec. E-4. 38 MRSA §2007, sub-§3, as enacted by PL 1987, c.
711, is amended to read:

52

COMMITTEE AMENDMENT

298

3. **Responsibilities.** The district shall-be is responsible for those activities listed in the declaration of district responsibilities as approved in accordance with section 2002. The activities are limited to the following:

A. Initiating and coordinating research and surveys for the purpose of gathering data on ~~great-ponds~~ wetlands, water bodies, related shorelands and watersheds within the territory of the district;

B. Planning ~~lake~~ natural resource restoration projects;

C. Contacting and attempting to secure the cooperation of municipal officials and state agencies for the purpose of enacting and enforcing ordinances and regulations necessary to further the purposes of the district;

D. Adopting and implementing ~~lake~~ natural resource protection, management and restoration plans; and

E. Adopting and implementing plans and programs to facilitate coordination of water level management and surface water use on great ponds within the territory of the district.; and

F. Entering into agreements with a municipality or group of municipalities that are wholly or partially within the district to administer the land use ordinances of that municipality or group of municipalities.

Sec. E-5. 38 MRSA §2007, sub-§4, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §287, is further amended to read:

4. Limits on jurisdiction. The limits on jurisdiction regarding the regulation of water level are as follows.

A. The district has no authority to set a water level regime for a body of water impounded by a dam that is exempt, under section 840, subsection 1, from the authority of the commissioner to set water level regimes.

B. The district's authority to set a water level regime for any water body within its boundaries and over any dams within its boundaries is subordinate to the authority of a municipality under Title 30-A, chapter 187, subchapter VI and to the authority of the Department of Environmental Protection under chapter 5, subchapter I, article 1, subarticle 1-B and, article 3-A and article 4.

Sec. E-6. 38 MRSA §2008, sub-§2, as enacted by PL 1987, c. 711, is amended to read:

2 **2. Voting list.** The trustees shall appoint a resident of
4 the district to serve as registration clerk and to make and keep
6 a voting list of all residents in the district eligible to vote.
8 The registration clerk shall compile the district voting list
10 from the voting lists of all municipalities and the portions of
12 unorganized territory lying within the district. At least 14
14 days before any budget meeting, the registration clerk shall
bring that voting list up to date by comparing the list with
those voting lists found in the municipalities and the portions
of unorganized territory within the district and by making such
additions and deletions as necessary. ~~No-additions~~ Additions or
deletions may not be made within the 14-day period prior to the
meeting.

16 **Sec. E-7. 38 MRSA §2010, sub-§1,** as amended by PL 1989, c.
18 106, §9, is further amended to read:

20 **1. Method.** Following adoption of the district budget, the
22 trustees shall issue their warrants, in substantially the same
24 form as the warrant of the Treasurer of State, for taxes to each
26 participating municipality and, in the case of unorganized
28 territory, to the commissioner's of the county within which that
30 territory lies, requiring it to pay its proportionate part of the
32 district budget. Each municipality's proportionate part of the
budget shall or, in the case of unorganized territory, each
county's proportionate share, must be based upon its percentage
of shoreline frontage on the great ponds and marine waters within
the district's territory, or an alternative method unanimously
agreed--upon--by--all--the--municipalities as described in the
declaration of district responsibilities and approved at
referendum under section 2003.

34 **Sec. E-8. 38 MRSA §2010, sub-§2,** as enacted by PL 1987, c.
36 711, is amended to read:

38 **2. Fiscal year; payments.** The fiscal year of the district
40 ~~shall be~~ is July 1st to June 30th. In the fiscal year in which
42 the assessment is levied, the treasurer of each municipality and,
44 in the case of unorganized territory, the county treasurer, shall
pay the amount of the assessment in 3 equal installments to the
treasurer of the district. Installments ~~shall~~ must be paid by
August 1st, December 1st and March 31st.

46 **Sec. E-9. 38 MRSA §2012** is enacted to read:

48 §2012. State agency assistance

50 The Department of Economic and Community Development, the
52 Department of Environmental Protection and other state agencies
with expertise in watershed management shall, to the extent
practicable, develop advisory guidelines, models and other

technical assistance materials on the watershed planning process for municipalities, interested citizens and others. These agencies shall, upon request and as resources allow, provide assistance to watershed districts in the development and implementation of watershed management plans.

Sec. E-10. 38 MRSA c. 23-A, as enacted by PL 1989, c. 900, §1, is repealed.

PART F

Sec. F-1. 38 MRSA §480-C, sub-§3, as amended by PL 1989, c. 838, §4, is repealed.

Sec. F-2. 38 MRSA §480-Q, sub-§15, as renumbered by RR 1993, c. 1, §119, is repealed.

Sec. F-3. 38 MRSA §480-Q, sub-§15-A is enacted to read:

15-A. Subsurface wastewater disposal systems.
Installation, removal or repair of a subsurface wastewater disposal system, as long as the system complies with all requirements of the subsurface wastewater disposal rules adopted by the Department of Human Services under Title 22, section 42, subsection 3. This subsection takes effect on March 1, 1995.

Sec. F-4. 38 MRSA §480-V is enacted to read:

§480-V. Applicability

Except as provided in this section, this article applies to all protected natural resources in the State, including significant wildlife habitat that is within another protected natural resource.

1. Exemptions. This article does not apply to:

A. Significant wildlife habitat not within another protected natural resource, unless that significant wildlife habitat is identified on a map adopted by the board; and

B. Those portions of fragile mountain areas, deer wintering areas, seabird nesting islands and great ponds, rivers, streams and brooks within the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A. The commission, in consultation with the department, shall periodically review land use standards adopted by the commission for these resources to ensure that the standards afford a level of protection consistent with the goals of this article, the goals of Title 12, chapter 206-A and the commission's comprehensive land use plan.

COMMITTEE AMENDMENT "A" to H.P. 1100, L.D. 1487

Provides funds for a Senior Planner position and Planner II position for municipal technical assistance and evaluation of the Growth Management Program, general operating costs and one-time capital expenditures for computers.

**DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT
TOTAL**

\$88,757

EXECUTIVE DEPARTMENT

Land and Water Resources Council

Positions	(1.0)
Personal Services	\$45,309
All Other	8,000
Capital Expenditures	2,500

Provides funds for a Senior Policy Analyst position to assist the Land and Water Resources Council to fulfill its 1994 tasks and to develop work plans for 1995 and later, general operating expenses and one-time capital expenditures for computers.

**EXECUTIVE DEPARTMENT
TOTAL**

\$55,809'

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

1994-95

APPROPRIATIONS/ALLOCATIONS

General Fund	\$313,086
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REVENUES

Other Funds	\$4,600
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COMMITTEE AMENDMENT "A" to H.P. 1100, L.D. 1487

2 This bill provides General Fund appropriations of \$55,809 in
4 fiscal year 1994-95 to the Land and Water Resources Council for
6 overall operating expenses to carry out its responsibilities.

8 The additional costs to serve as members of the Land and
10 Water Resources Council can be absorbed by the Department of
12 Human Services, the Department of Agriculture, Food and Rural
14 Resources, the Department of Conservation, the Department of
16 Environmental Protection, the Department of Inland Fisheries and
18 Wildlife, the Department of Marine Resources, the Department of
20 Transportation, the Department of Economic and Community
22 Development and the State Planning Office utilizing existing
24 budgeted resources.

26 This bill includes a General Fund appropriation of \$168,520
28 in fiscal year 1994-95 for the Department of Administrative and
30 Financial Services, Division of Data Processing for staff and
32 operating costs for enhanced geographic information system support.

34 This bill includes a General Fund appropriation of \$88,757
36 in fiscal year 1994-95 for the Department of Economic and
38 Community Development for staff and operating expenses to provide
40 enhanced municipal technical assistance and to conduct an ongoing
42 evaluation of the growth management program.

44 LD 1977, "An Act Proposing a Referendum for the Issuance of
46 General Obligation Bonds to Fund Municipal Infrastructure
48 Improvements," has been proposed as the mechanism to fund the
50 Municipal Infrastructure Investment Trust Fund created by Section
52 D of the bill. If LD 1977 is not enacted by the Legislature and
approved by the voters, General Fund appropriations may be
required to capitalize the fund.

Continuing the required permitting of subsurface wastewater
disposal systems under the provisions of the natural resources
protection laws until March 1, 1995 will increase permit fee
collections. The estimated increase of dedicated revenue to the
Department of Environmental Protection will be \$6,300 for fiscal
year 1994-95 only.

Exempting those lands under the jurisdiction of the Maine
Land Use Regulation Commission from the permitting process
authorized under the natural resources protection laws will
reduce the volume of permit fees collected by the Department of
Environmental Protection. The estimated annual reduction of
dedicated revenue is \$1,700 beginning in fiscal year 1994-95.

The Department of Environmental Protection will incur some
minor additional costs to administer certain changes in the site
location of development laws, to conduct a review of sawmill
licensure under the site location of development laws and submit
the required report to the Legislature, and to amend certain

R of S

2 rules pertaining to the formation of watershed districts. These
3 costs can be absorbed within the department's existing budgeted
4 resources.

6 The Department of Economic and Community Development and the
7 Department of Environmental Protection will incur some minor
8 additional costs to provide certain assistance to watershed
9 districts. These costs can be absorbed within the departments'
10 existing budgeted resources'

12 **STATEMENT OF FACT**

14 This amendment replaces the bill.

16 Part A of the amendment clarifies that only those portions
17 of municipal ordinances that are not consistent with
18 comprehensive plans are void after a certain period of time.
19 This part also provides towns with flexibility with respect to
20 identifying areas of residential growth in their comprehensive
21 plan. This part combines the growth management planning and
22 implementation grants offered by the Department of Economic and
23 Community Development into one grant, specifies that
24 certification of a growth management program by that department
25 is valid for 5 years and makes municipal zoning ordinances that
26 are consistent with growth management plans binding on certain
27 state activities. This part also enacts a requirement that the
28 Department of Economic and Community Development conduct an
29 evaluation of the growth management program.

30 Part B of the amendment requires that new school
31 construction projects be located in areas designated in a town's
32 comprehensive plan as growth areas and requires that towns and
33 sewer or sanitary districts coordinate with one another during
34 the planning and permitting processes.

36 Part C of the amendment codifies the Land and Water
37 Resources Council that was originally created by Executive Order
38 in the early 1980's. This part also creates an exemption from
39 the noise, traffic, flood plain and infrastructure standards in
40 the site location of development laws for developments located in
41 growth areas of towns with certified growth management programs.
42 This part also directs the Department of Environmental Protection
43 to review issues related to the licensure of sawmills.

46 Part D of the amendment creates a Municipal Infrastructure
47 Investment Trust Fund. A companion bill, Legislative Document
48 1977, proposes a referendum for the issuance of \$10,000,000 in
49 bonds to capitalize this fund. If that referendum is approved by
50 the voters, revenue from those bonds will be available to
51 eligible municipalities in the form of loans and grants to assist
52 in funding municipal infrastructure improvements.

2 Part E of the amendment streamlines the procedural
4 requirements for the formation of watershed management
6 districts. Existing provisions for lake and coastal watershed
8 districts are combined. The current role for the Board of
10 Environmental Protection in approving the formation of districts
12 is eliminated and the Commissioner of Environmental Protection's
14 role is limited to ministerial duties. As in current law,
16 formation of a watershed management district is contingent upon
approval of the voters residing within the proposed district.
Those proposing the formation of a watershed management district
are required to develop a declaration of district
responsibilities to describe and limit the authority of the
proposed district and to inform voters. Provision is also made
for the passage and assessment of annual budgets when unorganized
territory is included in a district.

18 Part F moves forward by one year the effective date of an
20 exemption from the natural resource protection laws for certain
22 subsurface wastewater disposal systems. This part also places
24 fragile mountain areas, deer wintering areas, seabird nesting
26 islands and great ponds, rivers, streams and brooks located in
28 the unorganized territories under the regulatory jurisdiction of
30 the Maine Land Use Regulation Commission. The Maine Land Use
Regulation Commission is directed to periodically review land use
standards adopted by the commission for these resources to ensure
that its standards afford a level of protection consistent with
the goals of the Maine Revised Statutes, Title 38, chapter 3,
subchapter I, article 5-A, the goals of Title 12, chapter 206-A
and the commission's comprehensive land use plan.

32 Part G is an appropriation section. This part appropriates
34 \$168,520 to the Geographic Information Systems for 2 positions
36 and core general fund support, \$88,757 to the Office of Community
38 Development in the Department of Economic and Community
40 Development for 2 positions for enhanced municipal technical
assistance and to conduct the evaluation of the growth management
program and \$55,809 to the Land and Water Resources Council for
one position.

This amendment also adds a fiscal note to the bill.