

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1080

S.P. 379

In Senate, February 9, 1999

**An Act to Direct State Capital Investments to Locally Designated
Growth Areas.**

Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.
Cosponsored by Representative COWGER of Hallowell and
Senator MICHAUD of Penobscot, Representatives: CAMERON of Rumford, CLARK of
Millinocket, DAIGLE of Arundel.

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

2
4 **Sec. 1. 30-A MRSA §4301, sub-§5-A** is enacted to read:

6 **5-A. Growth-related capital investment.** "Growth-related
8 capital investment" means only the following projects, grants or
10 loans: highway construction or reconstruction projects considered
12 significant under Title 23, chapter 3, subchapter I that increase
14 highway capacity; the construction or purchase of newly
16 constructed single-family homes or purchase of loans for newly
18 constructed single-family homes; the construction or acquisition
20 of newly constructed multifamily rental housing; the construction
22 of new schools and related facilities; the development of
24 industrial or business parks; the construction or expansion of
26 pollution control facilities that expands treatment capacity; the
construction or extension of sewer, water and other utility
lines; grants and loans for infrastructure and public facilities
eligible under the Community Development Block Grant program or
similar programs; and grants or loans for state office, court and
civic buildings. "Growth-related capital investment" does not
include funds for the operation or maintenance of a governmental
facility or program, the renovation of a governmental facility
that does not expand significantly the facility's capacity,
general purpose aid for education, community revenue sharing or
public health programs.

28 **Sec. 2. 30-A MRSA §4349**, as amended by PL 1993, c. 721, Pt.
30 B, §2 and affected by Pt. H, §1, is further amended by repealing
and replacing the headnote to read:

32 **§4349. State capital investments**

34 **Sec. 3. 30-A MRSA §4349, sub-§1-A** is enacted to read:

36 **1-A. Growth-related capital investments.** Growth-related
capital investments by the State must be made only in:

38 A. A locally designated growth area, as identified in a
40 comprehensive plan adopted pursuant to and consistent with
the goals and guidelines of this subchapter;

42 B. Areas served by a public sewer system determined to have
44 capacity to accept the growth-related project; or

46 C. Areas other than described in paragraphs A or B only for
the following projects:

48 (1) A project certified to the office of the head of
50 the agency funding the project as necessary to remedy a
threat to public health or safety or to comply with
environmental clean-up laws;

2 (2) An acquisition of land for parks, conservation,
4 open space and public access and acquisition of
 agricultural, conservation and historic easements;

6 (3) A project related to a commercial or industrial
8 activity that, due to its operational or physical
10 characteristics, typically is located away from other
12 development, including natural resource-based industry,
14 such as agricultural operations, forestry activities,
 mineral extraction and power generation; airports,
 ports and railroads and industry that must be proximate
 to an airport, a port or a railroad line or terminal;
 and pollution control facilities;

16 (4) A project that increases the capacity of highways
18 and bridges that are part of the national highway
20 system or increases other materials that address a
 regionwide or statewide need, provided that those
 projects incorporate best access management practices;

22 (5) A project that maintains, expands or promotes
24 tourist or cultural facilities that are required to be
 proximate to specific historic, natural or cultural
 resources; or

26 (6) A project certified by the Land and Water Resources
28 Council based on documentation provided by the head of
30 the agency funding the project as having demonstrated
32 that no feasible location exists within a locally
 designated growth area or within an area served by
 public sewers and that extraordinary circumstances
 nevertheless require state funds for the project.

34 **Sec. 4. 30-A M RSA §4349, sub-§2, as amended by PL 1993, c.**
36 **721, Pt. B, §2 and affected by Pt. H, §1, is repealed.**

38 **Sec. 5. 30-A M RSA §4349, sub-§3 is enacted to read:**

40 **3. Capital investments that are not growth-related.** When
42 awarding grants or assistance for capital investments or
44 undertaking their own capital investment programs that are not
46 growth-related capital investments as defined in section 4301,
48 subsection 5-A, state agencies shall give preference to
50 municipalities that receive a certificate of consistency under
 section 4348 or that have adopted comprehensive plans and
 implementation strategies consistent with the goals and
 guidelines of this subchapter over a municipality that does not
 obtain the certificate of consistency within 4 years after
 receipt of the first installment of a financial assistance grant
 or rejection of an offer of financial assistance.

