

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 760, L.D. 2136, Bill, "An Act to Create the Capital Riverfront Improvement District"

Amend the bill in section 2 in subsection 5 in the first line (page 3, line 1 in L.D.) by striking out the following: "the Coastal Conservation Commission" and inserting in its place the following: 'a regional or statewide environmental organization with experience and expertise in riverine habitat protection and restoration'

Further amend the bill in section 2 in subsection 6 in the last line (page 3, line 8 in L.D.) by inserting after the following: "Augusta" the following: 'upon the advice and consent of the Augusta City Council'

Further amend the bill in section 2 by striking out all of subsection 13 and inserting in its place the following:

'13. The Director of the Maine Historic Preservation Commission or the director's designee.'

Further amend the bill in section 2 by striking out all of the last paragraph (page 3, lines 33 to 37 in L.D.) and inserting in its place the following:

'Once the governing board is established, the City Manager of the City of Augusta and the Director of the Bureau of General Services shall convene the first meetings of the governing board

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2 until regularly scheduled meetings are established. The members
of the governing board shall elect a chair.'

4 Further amend the bill in section 4 in subsection 1 by
striking out all of paragraphs A to F (page 4, lines 21 to 31 in
6 L.D.) and inserting in their place the following:

8 'A. The City Manager of Augusta or the city manager's
designee;

10 B. The Director of the State Planning Office or the
12 director's designee;

14 C. The Director of the Maine State Housing Authority or the
director's designee;

16 D. The Commissioner of Transportation or the commissioner's
18 designee;

20 E. The Director of the Bureau of General Services or the
director's designee; and

22 F. The State Historic Preservation Officer or the officer's
24 designee;'

26 Further amend the bill in section 4 in subsection 6 in the
2nd and 3rd lines (page 4, lines 47 and 48 in L.D.) by striking
28 out the following: "of the Coastal Conservation Commission" and
inserting in its place the following: 'from a regional or
30 statewide environmental organization'

32 Further amend the bill in section 6 by striking out all of
the first paragraph (page 5, lines 14 to 16 in L.D.) and
34 inserting in its place the following:

36 '**Sec. 6. District boundaries.** The Augusta City Council, within
120 days of the passage of this Act and upon a recommendation of
38 the governing board and the Augusta Planning Board, shall adopt
the district's boundaries.'

40 Further amend the bill in section 6 in the 2nd paragraph in
42 the next to the last line (page 5, line 31 in L.D.) by inserting
after the following: "along" the following: 'the easterly portion
44 of'

46 Further amend the bill in section 7 in the first paragraph
in the 3rd line (page 5, line 36 in L.D.) by inserting after the
48 following: "providing" the following: 'continued public access
and'

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2 Further amend the bill in section 7 in subsection 8 in the
6th line (page 6, line 32 in L.D.) by inserting after the
4 following: "estimates." the following: 'A master plan generated
or approved by the governing board of the Capital Riverfront
6 Improvement District must be compatible and consistent with the
master planning as performed by or for the Capitol Planning
8 Commission or by the Department of Administrative and Financial
Services for areas within the boundaries of the Capitol Planning
Commission.'

10 Further amend the bill in section 7 in subsection 12 in the
12 last line (page 7, line 21 in L.D.) by inserting after the
following: "charges" the following: '. The district shall
14 endeavor to provide ample public access to the Kennebec River
that is free from fees or other charges and open to the public'

16 Further amend the bill in section 7 in subsection 22 in the
18 first line (page 8, line 28 in L.D.) by striking out the
following: "an executive director" and inserting in its place the
20 following: 'staff'

22 Further amend the bill in section 7 in subsection 23 by
inserting after the 2nd paragraph a new paragraph to read:

24 'The district may not issue securities in excess of
26 \$10,000,000 outstanding at any one time, except that the district
may not issue securities in excess of \$5,000,000 during the
28 fiscal year beginning July 1, 2000. The amount of securities
that may be outstanding in the name of the district may be
30 increased by the Legislature upon a showing by the district that
its available revenue is sufficient to support additional
32 issuance of securities and that the issuance of securities will
not materially impair the credit standing of the authority, the
34 investment status of securities issued by the authority or the
ability of the authority to fulfill its commitments to holders of
36 securities.'

38 Further amend the bill in section 7 in subsection 23 in the
3rd paragraph in the 16th line (page 9, line 13 in L.D.) by
40 striking out the following: "authority" and inserting in its
place the following: 'district'

42 Further amend the bill in section 7 in subsection 23 in the
44 3rd paragraph in the 19th line (page 9, line 16 in L.D.) by
striking out the following: "authority" and inserting in its
46 place the following: 'district'

48 Further amend the bill by inserting after section 7 the
following:

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2 'Sec. 8. Public access; public hearings. The district shall
3 consider and strive to provide or enhance public access in the
4 planning and implementation of district projects. The district
5 shall conduct public hearings as often as is reasonable and
6 necessary to inform, and be informed by, the public for all
7 plans, projects and activities of the district, including the
8 development of a district master plan.

10 Sec. 9. Master plan report; annual report. The governing board
11 of the district shall report to the Joint Standing Committee on
12 State and Local Government by January 31, 2000. The report must
13 contain a district master plan and details of the district's
14 public hearing process in developing the district master plan.
15 The governing board shall report annually on the district's
16 activities to the joint standing committee of the Legislature
17 having jurisdiction over state and local government matters
18 beginning on January 15, 2001. The report must include
19 information on the district's projects, financial condition,
20 efforts to inform and to include the public in district projects
21 and the status of projects with respect to the district master
22 plan.

24 Sec. 10. Contingent effective date; adoption by Augusta City
25 Council. This Act takes effect only upon its formal adoption by
26 a majority of the Augusta City Council. The Act must be
27 presented to the Augusta City Council for adoption no sooner than
28 90 days after the adjournment of the First Regular Session of the
29 119th Legislature.'

30 Further amend the bill by inserting at the end before the
31 summary the following:

34 **FISCAL NOTE**

36 This bill establishes the Capital Riverfront Improvement
37 District. The establishment of the district is contingent on the
38 formal adoption by the Augusta City Council. The requirement
39 that this bill be presented to the Augusta City Council for
40 adoption no later than 90 days after the adjournment of the First
41 Regular Session of the 119th Legislature represents a state
42 mandate pursuant to the Constitution of Maine. The additional
43 local costs are minor. Unless General Fund appropriations are
44 provided to fund at least 90% of the additional costs or a
45 Mandate Preamble is amended to the bill and two-thirds of the
46 members of each House vote to exempt this mandate from the
47 funding requirement, the City of Augusta may not be required to
48 implement these changes.

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2 If approved by the Augusta City Council, the district would
3 be authorized to issue securities to provide financing for
4 projects within the district. The bill limits the maximum amount
5 of securities that may be issued to \$10,000,000 and no more than
6 \$5,000,000 in fiscal year 2000-01. Revenue to service the debt,
7 as well as associated costs for the district, would come from
8 rents, leases or fees the district would charge for the use of
9 property it acquires. Whether such arrangements will generate
10 sufficient revenue to support the issuance of revenue bonds or
11 other securities can not be determined at this time.

12 Authorizing the issuance of securities by the Capital
13 Riverfront Improvement District for projects, as defined in the
14 bill, does not specifically extend the moral obligation of the
15 State. Whether the district's securities increase the exposure
16 of the General Fund to future debt service appropriation
17 requirements in the event of significant default activity can not
18 be determined at this time.

20 If the Maine Municipal Bond Bank is selected to serve as the
21 administrative agent for the district, it will be able to absorb
22 certain administrative costs related to the district and will get
23 reimbursed for other costs as part of subsequent financing.

24 The Maine State Housing Authority and the State Planning
25 Office will incur some minor additional costs to serve on the
26 Governing Board of the Capital Riverfront Improvement District
27 and the Maine Historic Preservation Commission, the Department of
28 Administrative and Financial Services and the Department of
29 Transportation will incur some minor additional costs to serve on
30 the Governing Board and the Executive Committee of the Capital
31 Riverfront Improvement District. These costs can be absorbed
32 within the agencies' existing budgeted resources.

34 The Governor's proposed supplemental, "Part 2," budget
35 includes \$200,000 in fiscal year 1999-00 to capitalize the
36 "Augusta Riverfront Improvement Authority." '

40 **SUMMARY**

42 This amendment alters the membership of the Capital
43 Riverfront Improvement District by adding a regional or statewide
44 environmental group to the district's governing board in the
45 place of a member of the Coastal Conservation Commission. The
46 amendment also requires that the master plan of the district be
47 compatible and consistent with master planning for the Capitol
48 Planning Commission. It also requires that the governing board
49 report to the Joint Standing Committee on State and Local
50 Government on its district master plan by January 31, 2000 and
51 requires an annual report to the committee beginning on January
52 15, 2001. The amendment also establishes a \$10,000,000 limit on

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2 the district's total bonding authority and restricts that limit
in fiscal year 2000-01 to \$5,000,000. The amendment also
4 requires that a majority of the Augusta City Council adopt this
Act after enactment in order for it to take effect. It also adds
a fiscal note to the bill.

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