

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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

COMMITTEE AMENDMENT "A" to S.P. 1027, L.D. 2600, Bill, "An Act to Implement the Land Use Recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development"

Amend the bill by inserting after section 2 the following:

'Sec. 3. 5 MRSA §13058, sub-§5, ¶¶H and I, as repealed and replaced by PL 1993, c. 349, §14, are amended to read:

H. Within available resources, the extent of business growth and change, including business expansions, new businesses and business closings; and

I. Within available resources, the status of investments in business in the State; and

Sec. 4. 5 MRSA §13058, sub-§5, ¶J is enacted to read:

J. The extent to which the purposes of the Maine Downtown Center are being met.'

Further amend the bill in section 3 in subsection 10-A by striking out all of paragraph D and inserting in its place the following:

'D. The commissioner may seek and accept funds from any source to support the center's purpose. The commissioner shall collaborate with state and private entities, including nonprofit organizations, to make maximum use of resources.

E. For the purposes of this subsection, "downtown" means:

(1) The central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure; or

(2) An area identified as a downtown in a comprehensive plan adopted pursuant to chapter 187, subchapter II.'

Further amend the bill by striking out all of sections 4 and 5 and inserting in their place the following:

'Sec. 4. 30-A MRSA §4301, sub-§§5-A and 5-B are enacted to read:

5-A. Downtown. "Downtown" means:

A. The central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure; or

B. An area identified as a downtown in a comprehensive plan adopted pursuant to chapter 187, subchapter II.

5-B. Growth-related capital investment. "Growth-related capital investment" means investment by the State in only the following projects, whether using state, federal or other public funds and whether in the form of a purchase, lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

A. Construction or acquisition of newly constructed multifamily rental housing;

B. Development of industrial or business parks;

C. Construction or extension of sewer, water and other utility lines;

D. Grants and loans for public service infrastructure, public facilities and community buildings; and

E. Construction or expansion of state office buildings, state courts and other state civic buildings that serve public clients and customers.

"Growth-related capital investment" does not include investment in the following: the operation or maintenance of a governmental or quasi-governmental facility or program; the renovation of a governmental facility that does not significantly expand the facility's capacity; general purpose aid for education; school construction or renovation projects; highway or bridge projects; programs that provide direct financial assistance to individual businesses; community revenue sharing; or public health programs.

Sec. 5. 30-A MRSA §4326, sub-§3, ¶A, as amended by PL 1993, c. 721, Pt. A, §3 and affected by Pt. H, §1, is further amended to read:

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

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

(a) Establish standards for these developments;

(b) Establish timely permitting procedures;

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

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

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

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

A municipality is not required to identify growth areas for residential growth if it demonstrates that it is not

possible to accommodate future residential growth in these areas because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations 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;'

Further amend the bill by striking out all of section 7 and inserting in its place the following:

'Sec. 7. 30-A MRSA §4349-A is enacted to read:

§4349-A. State capital investments

1. Growth-related capital investments. The State may make growth-related capital investments only in:

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

B. In the absence of a consistent comprehensive plan, an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by Title 23, section 754; or

C. Areas other than those described in paragraph A or B for the following projects:

(1) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as necessary to remedy a threat to public health or safety or to comply with environmental cleanup laws;

(2) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(3) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(4) A pollution control facility;

(5) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(6) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the office funds to assist with the preparation of a comprehensive plan or that received funds to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received;

(7) A housing project serving the following: individuals with mental illness, mental retardation, developmental disabilities, physical disabilities, brain injuries, substance abuse problems or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; or children or adults in the custody of the State; or

(8) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as having no feasible location within an area described in paragraph A or B if, by majority vote of all members, the Land and Water Resources Council finds that extraordinary circumstances or the unique needs of the agency require state funds for the project. The members of the Land and Water Resources Council may not delegate their authority under this subparagraph to the staffs of their member agencies.

2. State facilities. The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts and other state civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this

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subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a state liquor store; a lease of less than 500 square feet; and a lease with a tenure of less than one year, including renewals.

For the purposes of this subsection, "service center" means a community that serves the surrounding region, drawing workers, shoppers and others into the community for jobs and services.

3. Preference for other capital investments. When awarding grants or assistance for capital investments or undertaking its own capital investment programs other than for projects identified in section 4301, subsection 5-B, a state agency shall give preference to a municipality that receives a certificate of consistency under section 4348 or that has adopted a comprehensive plan and implementation strategies consistent with the goals and guidelines of this subchapter over a municipality that does not obtain the certificate or finding of consistency within 4 years after receipt of the first installment of a financial assistance grant or rejection of an offer of financial assistance.

4. Application. Subsections 1 and 2 apply to a state capital investment for which an application is accepted as complete by the state agency funding the project after January 1, 2001 or which is initiated with the Department of Administrative and Financial Services, Bureau of General Services by a state agency after January 1, 2001.'

Further amend the bill in section 8 in paragraph A by striking out all of subparagraph (4) (page 7, line 2 in L.D.) and inserting in its place the following:

'(4) Fire--protection Public safety equipment and facilities;'

Further amend the bill by striking out all of section 9 and inserting in its place the following:

'Sec. 9. 30-A MRSA §5903, sub-§§3-B and 3-C are enacted to read:

2 **3-B. Downtown.** "Downtown" means:

4 A. The central business district of a community that serves
6 as the center for socioeconomic interaction in the community
8 and is characterized by a cohesive core of commercial and
10 mixed-use buildings, often interspersed with civic,
 religious and residential buildings and public spaces,
 typically arranged along a main street and intersecting side
 streets, walkable and served by public infrastructure; or

12 B. An area identified as a downtown in a comprehensive plan
14 adopted pursuant to chapter 187, subchapter II.

3-C. Downtown improvement. "Downtown improvement" includes
16 facade, utility relocation or extension, historic preservation
18 and parking and road improvement; elevator, sprinkler system and
20 traffic control devices installation; purchase of development
 rights for a park or open space and construction of park and open
 space amenities; and public toilet, streetscape, sidewalk and
 curb installation or upgrade.'

22 Further amend the bill by inserting after section 11 the
24 following:

26 '**Sec. 12. 38 MRSA §488, sub-§19,** as amended by PL 1997, c.
28 603, §4, is further amended by amending the first paragraph to
 read:

30 **19. Municipal capacity.** A structure, as defined in section
32 482, subsection 6, that is from 3 acres up to and including 7
34 acres or a subdivision, as defined in section 482, subsection 5,
36 that is made up of 15 or more lots for single-family, detached,
38 residential housing, common areas or open space with an aggregate
40 area of from 30 acres up to and including 100 acres is exempt
 from review under this article if it is located wholly within a
 municipality or municipalities meeting the criteria in paragraphs
 A to D as determined by the department and it is located wholly
 within a designated growth area as identified in a comprehensive
 plan adopted pursuant to Title 30-A, chapter 187, subchapter II.
42 The planning board of the municipality in which the development
44 is located or an adjacent municipality may petition the
46 commissioner to review such a structure or subdivision if it has
 regional environmental impacts. This petition must be filed
 within 20 days of the receipt of the application by the
 municipality. State jurisdiction must be exerted, if at all,
 within 30 days of receipt of the completed project application by
 the commissioner from the municipality or within 30 days of
 receipt of any modification to that application from the
50 municipality. Review by the department is limited to the

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identified regional environmental impacts. The criteria are as follows:'

Further amend the bill in section 12 by striking out all of subsection 4 (page 15, lines 19 to 23 in L.D.) and inserting in its place the following:

'4. Reviewing and, as appropriate, making recommendations for changes to codes, policies, rules and regulations that restrict the reuse of existing structures to encourage renovation of existing downtown buildings for productive and economical use while continuing to promote the purposes of these codes and regulations. The review must include a review of New Jersey's rehabilitation subcode for existing buildings undergoing renovations and its applicability to Maine.'

Further amend the bill in section 12 by striking out all of the last indented paragraph (page 15, lines 25 to 39 in L.D.) and inserting in its place the following:

'The Department of Economic and Community Development shall work with the Bureau of General Services within the Department of Administrative and Financial Services, the Department of Transportation, the Maine State Housing Authority, the Finance Authority of Maine, the State Fire Marshal, the State Planning Office within the Executive Department, the Historic Preservation Commission, the Maine Human Rights Commission and other state agencies in developing this state policy. The department shall also consult, as appropriate, with local code enforcement officers, developers, realtors, builders, architects, disability rights advocates and other interested parties. The department shall submit a report, including its proposed policy and any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over business and economic development matters by January 15, 2001. The joint standing committee of the Legislature having jurisdiction over business and economic development matters may report out a bill to the First Regular Session of the 120th Legislature concerning the proposed policies.'

Further amend the bill in section 13 by striking out all of subsection 1 (page 15, lines 45 to 50 and page 16, lines 2 to 43 in L.D.) and inserting in its place the following:

'1. The task force consists of 14 members appointed as follows:

A. One member from the Senate who serves on the Joint Standing Committee on Natural Resources, appointed by the President of the Senate;

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2 B. Two members from the House of Representatives, at least
one of whom serves on the Joint Standing Committee on
4 Natural Resources and at least one of whom is a member of
the minority party, appointed by the Speaker of the House;

6 C. Two members representing environmental interests, one of
whom is appointed by the President of the Senate and one of
8 whom is appointed by the Speaker of the House;

10 D. Three members representing municipal interests, 2 of whom
are appointed by the President of the Senate and one of whom
12 is appointed by the Speaker of the House;

14 E. Two members representing regional councils, one of whom
is appointed by the President of the Senate and one of whom
16 is appointed by the Speaker of the House;

18 F. One member representing a statewide planning association,
20 appointed by the Speaker of the House;

22 G. One member representing real estate or development
interests, appointed by the President of the Senate;

24 H. One member representing business interests, appointed by
the Speaker of the House; and
26

28 I. One member representing farming, fishing and forestry
industries, appointed by the Speaker of the House.
30

32 The Director of the State Planning Office or the director's
designee, the Commissioner of Environmental Protection or the
commissioner's designee, the Commissioner of Economic and
34 Community Development or the commissioner's designee and the
Commissioner of Conservation or the commissioner's designee serve
36 as nonvoting members.

38 The Senate member is the Senate chair and the first House member
named is the House chair. All appointments must be made no later
40 than 15 days following the effective date of this Act. The
appointing authorities shall notify the Executive Director of the
42 Legislative Council upon making their appointments. The chairs
of the task force shall call and convene the first meeting of the
44 task force within 30 days of the date the last member is
appointed. The task force may hold up to 6 meetings.'

46 Further amend the bill in section 13 in subsection 2 by
48 striking out all of paragraph A (page 16, lines 47 to 50 and page
17, lines 1 to 10 in L.D.) and inserting in its place the
50 following:

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2 'A. The task force shall conduct a targeted review of the
3 growth management laws with the goal of improving the laws
4 to make them more responsive to the issues of sprawl. In
5 its review, the task force shall evaluate whether the growth
6 management program works well in very small municipalities
7 and in municipalities experiencing greater or less growth.
8 The task force shall also consider ways to clarify and
9 improve the State's enabling legislation for impact fees in
10 order to make impact fees useful as a tool to manage
11 growth. The task force shall consider differentiated levels
12 of impact fees based on the costs of infrastructure
13 improvements in different areas and designed to provide an
14 incentive for growth to occur within locally designated
15 growth areas, the effect of impact fees on the affordability
16 of homes, the effect of impact fees on land and real estate
17 values and impact fees related to regional impacts of
18 development such as the cost of regional school facilities.
19 The task force shall develop recommendations to make the
20 growth management laws more effective in controlling sprawl,
21 including recommendations on funding, staffing and statutory
22 changes. In developing its recommendations, the task force
23 shall consider appropriate regional models for growth
24 management.'

25 Further amend the bill in section 13 by striking out all of
26 subsection 3 (page 17, lines 21 to 26 in L.D.) and inserting in
27 its place the following:

28 '3. The task force shall complete its work by November 1,
29 2000 and submit its report to the joint standing committee of the
30 Legislature having jurisdiction over natural resources matters.
31 The task force may submit a bill implementing its recommendations
32 for consideration by the First Regular Session of the 120th
33 Legislature. If the task force requires an extension of time to
34 make its report, it may apply to the Legislative Council, which
35 may grant the extension.'

36 Further amend the bill by striking out all of sections 14 to
37 18 and inserting in their place the following:

38 '**Sec. 14. Report on productive farming, fishing and forestry.** The
39 Land and Water Resources Council shall submit a report to the
40 joint standing committees of the Legislature having jurisdiction
41 over natural resources matters, agriculture, conservation and
42 forestry matters and taxation matters by January 15, 2001 with an
43 evaluation of and recommendations on the use of incentives to
44 keep land in productive farming, fishing and forestry use.

Sec. 15. Brownfields initiative; report. The Executive Department, State Planning Office and the Department of Environmental Protection shall undertake an initiative to promote available assessment, clean-up and redevelopment grant programs and the voluntary response action program administered by the Department of Environmental Protection and shall submit a joint report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters with an evaluation of the initiative and recommendations for expanding the redevelopment in the State of abandoned, idled or under-used industrial or commercial property where expansion or redevelopment is complicated by real or perceived environmental contamination, also know as "brownfields."

Sec. 16. Report from Maine State Housing Authority. The Maine State Housing Authority shall submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters and business and economic development matters by February 15, 2001. The report must include a status report on the authority's efforts to design and implement a home ownership program for service center downtowns that is modeled after the authority's "New Neighbors" program and that is designed to encourage owner-occupied 3-to-4-unit buildings in low-income areas. The report must include an assessment of the adequacy of resources available for the program.

The report must also include recommendations for making the authority's programs for newly constructed single-family homes consistent with the purposes of the Maine Revised Statutes, Title 30-A, section 4349-A. The authority shall consult with the Executive Department, State Planning Office and other interested parties to develop these recommendations.

Sec. 17. Model ordinances. The Executive Department, State Planning Office shall work with municipalities and regional planning commissions to develop model land use ordinances that accommodate so-called "smart growth" design standards and provide for flexibility in zoning regulations to allow for traditional, compact development in designated growth areas and to preserve and revitalize existing neighborhoods, while maintaining local control over growth management decisions. The State Planning Office shall work with the State Board of Education to develop model land use ordinances relating to new school construction outside of locally designated growth areas.

Sec. 18. Rulemaking; school siting. The State Board of Education shall adopt rules relating to siting of new school construction projects, not including additions to existing schools, that receive state funding. In developing the rules, the state board shall consider a preference for a new school to

be sited in a locally designated growth area identified in a municipality's comprehensive plan adopted pursuant to the Maine Revised Statutes, Title 30-A, chapter 187, subchapter II or, in the absence of a comprehensive plan, in an area served by a public sewer system that has the capacity for the school construction project, an area identified by the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality. The state board shall also consider requiring a school administrative unit that does not select a school building site in a preferred area to provide a written explanation to the state board and authorizing the use of state funds for such a project only if the state board finds that a practical alternative building site within a preferred area does not exist. The state board shall consider criteria that define practical building sites.

Rules adopted pursuant to this section are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A and must be provisionally adopted and submitted to the Legislature for review no later than February 1, 2001. Notwithstanding Title 5, section 8072, subsection 3, those rules must be reviewed under Title 5, section 8072, subsections 4 and 5 by the joint standing committees of the Legislature having jurisdiction over natural resources matters and education matters.

Sec. 19. Report; school siting. The Executive Department, State Planning Office and the State Board of Education shall submit a joint report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 2001 with recommendations regarding land use ordinances and zoning ordinances near newly constructed schools. The report must consider differences between schools.

Sec. 20. Transition; site location of development laws. A development that was exempt from review under the site location of development laws pursuant to the Maine Revised Statutes, Title 38, section 488, subsection 19 and reviewed by the municipality in which it is located prior to the effective date of this Act is considered to be located wholly within a designated growth area as identified in a comprehensive plan adopted pursuant to Title 30-A, chapter 187, subchapter II for the purposes of Title 38, section 488, subsection 19 as long as the municipality continues to meet the criteria in that subsection.

Sec. 21. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

Information Services

Positions - Legislative Count	(1.000)
Personal Services	\$50,000
All Other	25,000
Capital Expenditures	10,000

Provides for the appropriation of funds to establish a Statewide Geographic Information System Coordinator position.

**DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES
TOTAL**

\$85,000

EXECUTIVE DEPARTMENT

State Planning Office

All Other	\$2,050,000
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Provides funds for planning grants to municipalities.

State Planning Office

All Other	\$1,000,000
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Provides funds for grants to regional councils to provide technical assistance to municipalities.

State Planning Office

All Other	\$700,000
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Provides funds for grants to municipalities for plan implementation and plan updates and for alternative growth management initiatives and pilot projects, including regional projects.

**EXECUTIVE DEPARTMENT
TOTAL**

\$3,750,000

TOTAL APPROPRIATIONS

\$3,835,000

Sec. 22. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Task Force to Study Growth Management

Personal Services	\$4,620
All Other	4,700

Provides funds for the per diem and expenses of legislative and public members of the Task Force to Study Growth Management and to print the required report.

LEGISLATURE

TOTAL \$9,320'

Further amend the bill by striking out all of section 22 and inserting in its place the following:

'Sec. 22. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF**

**Administration - Economic and Community
Development**

All Other	\$500
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Allocates funds to authorize expenditures to support the Maine Downtown Center.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

FISCAL NOTE

2000-01

APPROPRIATIONS/ALLOCATIONS

General Fund	\$9,894,320
Other Funds	500

This bill includes total General Fund appropriations of \$9,894,320 in fiscal year 2000-01. The estimated future General Fund costs of this bill in fiscal years 2001-02 and 2002-03 are approximately \$1,035,000 annually.

This bill includes General Fund appropriations to the State Planning Office within the Executive Department of \$2,050,000 in fiscal year 2000-01 to provide funds for planning grants to be distributed to municipalities, \$1,000,000 in fiscal year 2000-01 to provide funds for grants to regional councils to provide technical assistance to municipalities and \$700,000 in fiscal year 2000-01 to provide grants to municipalities for plan implementation and updates and for alternative growth management initiatives and pilot projects, including regional projects. General Fund appropriations of \$700,000 annually in fiscal years 2001-02 and 2002-03 will be requested to continue the plan implementation grants, alternative growth management initiatives and pilot projects.

This bill also includes a General Fund appropriation of \$5,000,000 in fiscal year 2000-01 to the Maine Municipal Bond Bank to provide funding for the Municipal Investment Trust Fund for downtown improvement loans.

A General Fund appropriation of \$250,000 is also provided in fiscal year 2000-01 for the Department of Economic and Community Development to establish a Director position to oversee the Maine Downtown Center. The estimated future costs will be approximately \$250,000 annually. An allocation of \$500 from Other Special Revenue funds is included as a base allocation to authorize expenditures in the event that other funds are received to support the Maine Downtown Center.

This bill also provides a General Fund appropriation of \$85,000 in fiscal year 2000-01 to the Department of Administrative and Financial Services, Information Services to establish a statewide Geographic Information System Coordinator position. The estimated future costs of this position and related expenses will be approximately \$85,000 annually.

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The bill also establishes a Downtown Leasehold Improvement Fund for capital improvements to leased space in downtowns and provides a General Fund appropriation of \$800,000 in fiscal year 2000-01 to capitalize the fund.

The additional costs associated with rulemaking relating to siting of new school construction projects can be absorbed by the State Board of Education utilizing existing budgeted resources. However, depending on the State Board of Education's rules, those rules may represent a state mandate pursuant to the Constitution of Maine. The additional local costs can not be determined at this time. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to this bill or the resolve adopting the major substantive rules and two-thirds of the members of each House vote to exempt this bill or the resolve from the funding requirement, school units may not be required to implement these changes proposed by the rule.

The Legislature will require an additional General Fund appropriation of \$9,320 in fiscal year 2000-01 for the Legislature for the per diem and expenses of legislative and public members of the Task Force to Study Growth Management and to print the required report.

The additional costs associated with providing staffing assistance to the task force during the interim between legislative sessions can be absorbed by the Legislature utilizing existing budgeted resources. If an extension of the reporting deadline is granted and the task force requires staffing assistance during the legislative session, the Legislature may require an additional General Fund appropriation to contract for staff services.

The State Planning Office, the Department of Environmental Protection, the Department of Economic and Community Development and the Department of Conservation will incur some minor additional costs to participate as members of the Task Force to Study Growth Management. These costs can be absorbed within the departments' and agency's existing budgeted resources.

The Department of Conservation, the Finance Authority of Maine, the Maine State Housing Authority, the Maine Historic Preservation Commission and the Department of Administrative and Financial Services will incur some minor additional costs to work with the Maine Municipal Bond Bank to coordinate the delivery of certain state assistance programs. These costs can be absorbed within the departments' and agencies' existing budgeted resources.

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2 The State Planning Office will incur some minor additional
costs to submit the required reports to the Legislature and to
4 develop model ordinances. These costs can be absorbed within the
office's existing budgeted resources.

6 The Maine State Housing Authority will incur some minor
additional costs to submit a report on the efforts to design and
8 implement a home ownership program for service center downtowns.
These costs can be absorbed within the authority's existing
10 budgeted resources.

12 The Department of Administrative and Financial Services, the
Department of Transportation, the Maine State Housing Authority,
14 the Finance Authority of Maine, the Department of Public Safety,
the State Planning Office, the Maine Historic Preservation
16 Commission and the Maine Human Rights Commission will incur some
minor additional costs to work with the Department of Economic
18 and Community Development to develop a certain investment
policy. These costs can be absorbed within the departments' and
20 agencies' existing budgeted resources.

22 The Governor's proposed 2000-2001 supplemental budget
includes a General Fund appropriation of \$3,500,000 in fiscal
24 year 2000-01 to the State Planning Office within the Executive
Department for the "Smart Growth" initiative in 3 areas: regional
26 planning commissions' grants, lease hold improvements program and
community assistance grants.'

28

30

SUMMARY

32 This amendment is the majority report of the committee. The
amendment requires the Commissioner of Economic and Community
34 Development to include in the biennial report to the Legislature
a review and evaluation of the extent to which the purposes of
36 the Maine Downtown Center within the Department of Economic and
Community Development are being met. The amendment also
38 authorizes the commissioner to seek and accept funds to support
the center's purpose and requires the commissioner to collaborate
40 with other entities to make maximum use of resources.

42 The amendment strikes from the bill the requirement that
municipalities consider priority locations in selecting sites for
44 new school construction projects and instead requires the State
Board of Education to adopt rules relating to siting of new
46 school construction projects that receive state funding. Such
rules are major substantive rules and must be reviewed by the
48 joint standing committees of the Legislature having jurisdiction
over natural resources matters and education matters. The
50 amendment also requires the Executive Department, State Planning

COMMITTEE AMENDMENT

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Office and the State Board of Education to submit a report to the Legislature by February 1, 2001 with recommendations regarding land use ordinances near newly constructed schools.

The amendment clarifies that growth areas identified by a municipality in its comprehensive plan may be designated as areas suitable for any combination of residential, commercial and industrial development.

The amendment limits the definition of state growth-related capital investments to include investment by the State in the following 5 types of projects: newly constructed multifamily rental housing; industrial or business parks; sewer, water and other utility lines; public service infrastructure, public facilities and community buildings; and state office buildings, state courts and other state civic buildings. The amendment also clarifies what projects are not growth-related capital investment and clarifies the exceptions to the location requirements for projects in which the State makes growth-related capital investments. The amendment changes to January 1, 2001 the date of application of the requirement that state growth-related capital investments must be made in certain locations.

The amendment exempts certain state facilities from the requirement that site selection criteria for state facilities give preference to priority locations. The amendment also specifies that if a suitable priority location for a state facility does not exist or if a priority location would impose an undue hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in certain other areas suitable for growth.

The amendment changes the list of infrastructure facilities for which impact fees may be used by municipalities to include public safety equipment and facilities rather than fire protection facilities.

The amendment adds public toilets to the list of downtown improvements for which downtown improvement loans from the Municipal Investment Trust Fund may be used.

The amendment restricts the exemption from review under the site location of development laws for certain developments located in municipalities with capacity to developments located within areas designated as growth areas in those municipalities.

The amendment strikes the requirement that the Department of Public Safety, Office of the State Fire Marshal convene a stakeholders group to review state codes and federal regulations and incorporates that review into the development of a state

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downtown investment policy by the Department of Economic and
Community Development.

The amendment changes the membership of the Task Force to
Study Growth Management and clarifies the requirement that the
task force review impact fees.

The amendment requires the Land and Water Resources Council
to submit a report to the Legislature with an evaluation of the
use of incentives to keep land in productive farming, fishing and
forestry use.

The amendment requires the Maine State Housing Authority to
submit a report to the Legislature by February 15, 2001 regarding
efforts to implement a home ownership program for service center
downtowns.

The amendment reduces the appropriation to the Executive
Department, State Planning Office for growth management
initiatives to the amount recommended by the Task Force on State
Office Building Location, Other State Growth-related Capital
Investments and Patterns of Development and clarifies the level
of funding for planning grants to municipalities, grants to
regional councils and alternative growth management initiatives.

The amendment also adds 2 appropriation sections, an
allocation section and a fiscal note to the bill.