

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

---

Legislative Document

No. 2071

---

H.P. 1566

House of Representatives, January 11, 2002

---

**An Act to Amend the Law Relating to Growth-related Capital Investments.**

---

Reported by Representative KOFFMAN for the Joint Study Committee to Study Growth Management pursuant to Joint Order 2001, H.P. 1330.

Reference to the Joint Standing Committee on Natural Resources suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 30-A MRSA §4301, sub-§5-B,** as enacted by PL 1999, c.  
5 776, §7, is amended to read:

6 **5-B. Growth-related capital investment.** "Growth-related  
7 capital investment" means investment by the State in only the  
8 following projects, even if privately owned, whether using state,  
9 federal or other public funds and whether in the form of a  
10 purchase, lease, grant, loan, loan guarantee, credit, tax credit  
11 or other financial assistance:

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

14 B. Development of industrial or business parks;

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

17 D. Grants and loans for public or quasi-public service  
18 infrastructure, public or quasi-public facilities and  
19 community buildings; and

20 E. Construction or expansion of state office buildings,  
21 state courts, hospitals and other quasi-public facilities  
22 and other state civic buildings that serve public clients  
23 and customers.

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

32 **Sec. 2. 30-A MRSA §4349-A, sub-§1, ¶C,** as enacted by PL 1999,  
33 c. 776, §10, is amended to read:

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

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

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

6  
8 (3) An airport, port or railroad or industry that must  
be proximate to an airport, a port or a railroad line  
or terminal;

10 (4) A pollution control facility;

12  
14 (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  
16 resource or a building or improvement that is related  
to and required to be proximate to land acquired for a  
18 park, conservation, open space or public access or to  
an agricultural, conservation or historic easement;

20  
22 (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  
24 but had not received from the office funds to assist  
with the preparation of a comprehensive plan or that  
26 received funds to assist with the preparation of a  
comprehensive plan within the previous 2 years. This  
28 exception expires for a municipality 2 years after such  
funds are received;

30  
32 (7) A housing project serving the following:  
individuals with mental illness, mental retardation,  
34 developmental disabilities, physical disabilities,  
brain injuries, substance abuse problems or a human  
immunodeficiency virus; homeless individuals; victims  
36 of domestic violence; foster children; or children or  
adults in the custody of the State. A nursing home is  
38 not considered a housing project under this paragraph;  
or

40  
42 (8) A project certified to the Land and Water  
Resources Council established in Title 5, section 3331  
44 by the head of the agency funding the project as having  
no feasible location within an area described in  
46 paragraph A or B if, by majority vote of all members,  
the Land and Water Resources Council finds that  
48 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

2 delegate their authority under this subparagraph to the  
staffs of their member agencies.

4 **Sec. 3. 30-A MRSA §4349-A, sub-§2**, as amended by PL 2001, c.  
90, §2 and c. 406, §13, is further amended to read:

6  
8 **2. State facilities.** The Department of Administrative and  
Financial Services, Bureau of General Services shall develop site  
10 selection criteria for state office buildings, state courts,  
hospitals and other quasi-public facilities and other state civic  
12 buildings that serve public clients and customers, whether owned  
or leased by the State, that give preference to the priority  
14 locations identified in this subsection while ensuring safe,  
healthy, appropriate work space for employees and clients and  
16 accounting for agency requirements. Preference must be given to  
priority locations in the following order: service center  
18 downtowns, service center growth areas and downtowns and growth  
areas in other than service center communities. If no suitable  
20 priority location exists or if the priority location would impose  
an undue financial hardship on the occupant or is not within a  
22 reasonable distance of the clients and customers served, the  
facility must be located in accordance with subsection 1. The  
24 following state facilities are exempt from this subsection: a  
state liquor store; a lease of less than 500 square feet; and a  
26 lease with a tenure of less than one year, including renewals.

## 28 SUMMARY

30 This bill implements a recommendation of the Joint Study  
Committee to Study Growth Management. It is intended to ensure  
32 that hospitals and other quasi-public facilities that use state  
or passed-through federal dollars are treated like other public  
34 entities regarding growth-related capital investments.