

MAINE STATE LEGISLATURE

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MAJORITY
NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1244, L.D. 1668, Bill, "An Act To Amend the Laws Governing Growth Management"

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

Sec. 1. 30-A MRSA §4349-A, sub-§3, as amended by PL 2001, c. 406, §15, is repealed.

Sec. 2. 30-A MRSA §4349-A, sub-§3-A is enacted to read:

3-A. Preference for other state grants and investments.
Preference for other state grants and investments is governed by this subsection.

A. When awarding a grant or making a discretionary investment under any of the programs under paragraph B, subparagraphs (1) and (2) or when undertaking its own capital investment programs other than for projects identified in section 4301, subsection 5-B, a state agency shall respect the primary purpose of its grant or investment program and, to the extent feasible, give preference:

(1) First, to a municipality that has received a certificate of consistency for its growth management program under section 4347-A;

2 (2) Second, to a municipality that has adopted a
3 comprehensive plan that the office has determined is
4 consistent with the procedures, goals and guidelines of
5 this subchapter, has adopted zoning ordinances that the
6 office has determined are consistent with the
7 comprehensive plan and is implementing a capital
8 investment plan according to schedule;

9
10 (3) Third, to a municipality that has adopted a
11 comprehensive plan that the office has determined is
12 consistent with the procedures, goals and guidelines of
13 this subchapter; and

14 (4) Fourth, to a municipality that has adopted a
15 comprehensive plan.

16
17 If a municipality has submitted a comprehensive plan, zoning
18 ordinance or growth management program to the office for
19 review, the time for the office to respond as established in
20 section 4347-A has expired and the office has not provided
21 it comments or findings to the municipality, a state agency
22 when awarding a grant or making a discretionary investment
23 under this subsection may not give preference over the
24 municipality to another municipality.

25 B. This subsection applies to:

26
27 (1) Programs that assist in the acquisition of land
28 for conservation, natural resource protection, open
29 space or recreational facilities under Title 5, chapter
30 353; and

31 (2) Programs intended to:

32
33 (a) Accommodate or encourage additional growth
34 and development;

35 (b) Improve, expand or construct public
36 facilities; or

37 (c) Acquire land for conservation or management
38 of specific economic and natural resource concerns.

39 C. This subsection does not apply to state grants or other
40 assistance for sewage treatment facilities, public health
41 programs or education.

42
43 D. The office shall work with state agencies to prepare
44 mechanisms for establishing preferences in specific

investment and grant programs as described in paragraph B.

Sec. 3. Effective date. This Act takes effect July 1, 2005.'

SUMMARY

This amendment is the majority report of the committee. The amendment requires a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances, then to municipalities that have adopted consistent comprehensive plans and then to municipalities that have adopted comprehensive plans. The amendment also provides that a municipality can not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the Executive Department, State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. The amendment provides that the effective date of the changes is July 1, 2005.