

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 122

H.P. 104

House of Representatives, January 29, 2013

An Act To Provide Assistance to Municipalities Recovering from a Municipally Significant Disaster

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TURNER of Burlington.
Cosponsored by Senator THOMAS of Somerset and
Representatives: BOLAND of Sanford, COTTA of China, GIFFORD of Lincoln, GRAHAM
of North Yarmouth, MAKER of Calais, MORRISON of South Portland, NELSON of
Falmouth, STANLEY of Medway.

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

2 **Sec. 1. 37-B MRSA §703, sub-§3-B** is enacted to read:

3 **3-B. Municipally significant disaster.** "Municipally significant disaster" means a
4 disaster that is limited in impact to one or several municipalities in a concentrated region
5 and that causes damages to municipally maintained roads, bridges and other public
6 facilities, the repair of which in at least one of the affected municipalities is reasonably
7 determined to cost 20% or more of that municipality's total annual operating budget,
8 exclusive of the education budget.

9 **Sec. 2. 37-B MRSA §742, sub-§4** is enacted to read:

10 **4. Municipally significant disaster proclamation.** In addition to the procedures
11 provided under subsection 1, if a municipally significant disaster occurs, the Governor
12 may issue a proclamation of that event. The Department of Administrative and Financial
13 Services, Bureau of General Services and the Department of Transportation shall work
14 with an affected municipality to determine the cost of the damages in the municipality
15 and provide a copy of the findings to the Governor for consideration.

16 **Sec. 3. 37-B MRSA §744, sub-§2-A, ¶C** is enacted to read:

17 C. If the Governor declares that a municipally significant disaster exists pursuant to
18 section 742, subsection 4, the Governor may enter into an agreement with the
19 municipal officers of a municipality where damages meet the 20% threshold
20 established in section 703, subsection 3-B, subject to approval by the municipality's
21 legislative body, that obligates municipal financial resources up to, but not in excess
22 of, 50% of the estimated total cost of damages to municipally maintained roads,
23 bridges and other public facilities and obligates state financial resources for the
24 remainder of the estimated total cost.

25 The Governor may enter into an agreement with the municipal officers in a
26 municipality abutting a municipality affected by a municipally significant disaster,
27 where damages do not meet the 20% threshold established in section 703, subsection
28 3-B, obligating negotiated percentages for municipal and state financial resources for
29 damages to municipally maintained roads, bridges and other public facilities. Any
30 negotiated agreement is subject to the approval of that municipality's legislative body.

31 The estimated total cost of the damages must be determined and agreed to by officials
32 in the Department of Administrative and Financial Services, Bureau of General
33 Services and the Department of Transportation and the municipal officers in the
34 municipality with which an agreement is entered into under this paragraph.

35 **SUMMARY**

36 This bill authorizes the Governor to declare a municipally significant disaster in cases
37 where a disaster causes damages to locally maintained roads, bridges and other public
38 facilities, the repair of which exceeds 20% of the affected municipality's total annual
39 operating budget, excepting the education budget. The municipal officers in the affected

1 municipality must work with the Department of Transportation and the Department of
2 Administrative and Financial Services, Bureau of General Services to agree on an
3 estimate of the total cost of the damages. The Governor may enter into a cost-sharing
4 agreement with the municipal officers, subject to approval by the local legislative body,
5 obligating the municipality to pay up to 50% of the cost of repairs. The bill further
6 authorizes the Governor to enter into a cost-sharing agreement with a municipality that is
7 affected by an event occurring in an abutting municipality. This negotiated share is also
8 subject to approval by the local legislative body. In both cases, the State's share of the
9 authorized expenditures is funded through the existing Disaster Relief Fund.