

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

house asbestos abatement unit or public entity shall notify the commissioner within 5 working days of any changes of the persons holding its certified positions and shall provide all information requested by the commissioner to show that new employees meet the requirements for certification pursuant to this chapter.

Sec. 9. 38 MRSA §1278, sub-§2, as enacted by PL 1987, c. 448, §1-C, is amended to read:

2. Notification fees. Notification of a planned asbestos abatement project pursuant to section 1273, subsections subsection 2 and 3, shall must be accompanied by a notification fee; unless such the activity occurs in private single-unit residential buildings of 4 dwelling units or less.

A. The fees are:

- (1) Projects involving more than 460 100 square feet or 260 100 linear feet, but less than 1,000 square feet or 5,000 linear feet: \$100; and
- (2) Projects involving more than 1,000 square feet or 5,000 linear feet: \$200.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective February 23, 1990.

CHAPTER 631

H.P. 1362 - L.D. 1879

An Act to Promote Sound Capital Investment As Part of Local Growth Management Programs

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

Sec. 1. 5 MRSA §12004-I, sub-§24-A is enacted to read:

<u>24-A. Envi-</u>	<u>Planning</u>	<u>\$40/day</u>	<u>30-A</u>
<u>ronment</u>	<u>Advisory</u>	<u>plus ex-</u>	<u>MRSA</u>
	<u>Council</u>	<u>penses</u>	<u>§4341</u>

Sec. 2. 5 MRSA §12004-K, sub-§4-A, as enacted by PL 1989, c. 503, Pt. A, §38, is repealed.

Sec. 3. 5 MRSA c. 383, sub-c. VI, art. I is enacted to read:

Article I

MUNICIPAL GROWTH MANAGEMENT AND CAPITAL INVESTMENT

§13112. Municipal Growth Management and Capital Investment Fund

1. Creation. The Municipal Growth Management and Capital Investment Fund is created as a nonlapsing fund to be used by the department only for the purposes of this article.

2. Deposited funds. Money in the fund not currently needed to meet the obligations of the department under this article must be deposited with the Treasurer of State to the credit of the fund with all interest earned by the deposit credited to the fund.

§13113. Assistance to municipalities

The department may make grants to eligible municipalities in support of capital investments in public service infrastructure as provided in this article.

1. Definitions. As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public service infrastructure" means those facilities that are essential for public health, welfare and safety. These facilities include, but are not limited to, sewage treatment facilities, municipal water facilities, solid waste facilities, fire protection facilities, roads and traffic control devices, parks and other open space or recreational areas and any other public facility that benefits the public.

2. Eligibility. Any municipality is eligible to apply for grants under this article when it has adopted and implemented a certified local growth management program under the requirements of Title 30-A, chapter 187, subchapter II. The program must include a capital investment plan comprised of the following elements:

A. An assessment of all public facilities and services, including, but not limited to, roads, sewers, schools, parks and open space, fire and police;

B. A 10-year plan for any needed replacement and expansion of existing public facilities or the construction of any new facilities required to meet expected growth and economic development or to satisfy state or federal governmental mandates. The capital investment plan shall include projections of when and where these facilities will be required; and

C. An assessment of the anticipated costs for replacement, expansion or construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

3. Eligibility for municipalities without certified local growth management programs. Prior to 2 years after the applicable deadline date established under Title 30-A, section 4343, subsection 1, any municipality is eli-

gible for a grant under this article when the department determines that the proposed project is consistent with the grant criteria established under subsection 4 and that the project is to be undertaken as part of a local capital investment plan which includes the elements specified under subsection 2, paragraphs A to C.

4. Grants criteria. The department shall develop, by rule, criteria for the award of grants to eligible municipalities after consultation with the Planning Advisory Council, established under Title 30-A, section 4341, and subject to the requirements of this article.

A. The department shall give priority to those municipalities that are experiencing rapid growth and that possess a public service infrastructure inadequate to accommodate that growth.

B. The department shall give priority to those municipalities that have adopted and implemented a certified local growth management program.

C. The department shall establish a preference for those municipalities with higher local property tax burdens.

D. The department shall establish a preference for capital investment projects undertaken jointly by 2 or more municipalities or that provide substantial regional benefits.

E. The department shall establish local cost-sharing requirements to ensure adequate local commitment to projects receiving grants under this article and to ensure efficient use of public funds.

F. The department shall adopt other criteria as it determines necessary to ensure that grants made under this article maximize the ability of municipalities to accommodate planned growth and economic development.

5. Consistency. The department shall condition any grants under this article on consistency with the municipality's certified local growth management program or, in the case of grants made on the basis of the eligibility criteria of subsection 3, on consistency with the local capital investment plan.

6. Coordination. The department shall coordinate the grants made under this article with all other community assistance grants administered by the department and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Educational and Cultural Services, the Department of Transportation, the Maine Municipal Bond Bank and the Department of Environmental Protection.

§13114. Report to the Legislature

As part of its biennial progress report under Title 30-A, section 4341, subsection 2, the department shall

report on the grants program. The department may make any recommendations it finds necessary to achieve more effectively the purposes of this article, including the appropriation of any necessary additional funds.

Sec. 4. 30-A MRSA §4341, sub-§3, ¶C, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

C. Members shall not be compensated but shall be reimbursed are entitled to compensation at the rate of \$40 per day for meetings of the Council and to reimbursement for all expenses directly related to their participation in council business.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Comprehensive Land Use Planning

Personal Services	\$1,680
All Other	(1,680)

Transfers available funds to cover per diems for the Planning Advisory Council.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

TOTAL -0-

Sec. 6. Application; contingent on bond issue. This Act shall take effect only if a general revenue bond issue for municipal growth management and capital investment is approved by the voters of the State.

Effective pending referendum.

CHAPTER 632

S.P. 777 - L.D. 2004

An Act to Enable Rulemaking by the Board of Examiners of Podiatrists

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

Sec. 1. 32 MRSA §3605, as amended by PL 1977, c. 694, §617, is repealed.

Sec. 2. 32 MRSA §3605-A is enacted to read:

§3605-A. Rules