

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

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SECOND REGULAR SESSION
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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
2000

providing appropriate educational programs and services to deaf and hard-of-hearing students in the State. These liaisons shall meet with the school board at least once each fiscal year to address these matters.

Also following this 2-year period, the Department of Conservation, the Bureau of Parks and Lands and the Department of Administrative and Financial Services, Bureau of General Services shall each provide a liaison to the School Board of the Governor Baxter School to assist the school board in properly managing the natural resources of the island and the state-owned facilities on the island. These liaisons shall meet with the school board at least once each fiscal year to address these matters.

Sec. 16. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 20-A, section 7407, subsection 4 and enact Title 20-A, section 7407, subsection 4-A are effective January 1, 2001.

See title page for effective date, unless otherwise indicated.

CHAPTER 776

S.P. 1027 - L.D. 2600

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

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

Sec. 1. 5 MRSA §1742-D, sub-§2, as amended by PL 1991, c. 780, Pt. Y, §59, is further amended to read:

2. Establish standards; waiver. The Bureau of General Services shall establish the following:

A. Standards for occupant safety and comfort in leased space ~~must be that~~ are consistent with law and all applicable building, fire, handicapped accessibility and environmental codes; and

B. By July 1, 1991, standards for space use for all state facilities that ensure the equitable and efficient distribution of available floor space, including common areas, consistent with cost, program and functional objectives.

The Director of the Bureau of General Services may provide a waiver of the standards and criteria established under this section if the director concludes that

the unique conditions of location, program or employee function require such a waiver or in order to meet the purpose of Title 30-A, section 4349-A, subsection 2, relating to priority locations for state office buildings, courts and other state civic buildings.

Sec. 2. 5 MRSA §1742-D, sub-§10 is enacted to read:

10. Downtown Leasehold Improvement Fund. The Downtown Leasehold Improvement Fund, referred to in this subsection as the "fund," is established within the Bureau of General Services to assist state agencies in securing suitable space in downtowns whenever possible by providing for capital improvements to real property leased by the State in downtowns necessary to meet public health, safety and accessibility requirements of federal, state and local statutes and codes.

The fund is a nonlapsing fund consisting of sums that are appropriated by the Legislature or transferred to the fund from time to time by the Treasurer of State, the proceeds of notes or bonds issued by the State for the purpose of deposit in the fund, grants and awards made to the State or an instrumentality of the State by the Federal Government for the purpose for which the fund has been established and other funds from any public or private source received for use for the purpose for which the fund has been established.

The bureau shall invest in leasehold improvements from this fund only when it determines that the length and other terms of the lease will provide for reasonable use of and return on the investments for the State.

The bureau may establish accounts and subaccounts as it determines desirable to effectuate the purpose of the fund.

Sec. 3. 5 MRSA §3307-F is enacted to read:

§3307-F. Maine Downtown Center

1. Establishment. The Maine Downtown Center, referred to in this section as the "center," is established to encourage downtown revitalization in the State.

2. Purpose. The center serves the following functions:

A. To advocate for downtown revitalization;

B. To promote awareness about the importance of vital downtowns;

C. To serve as a clearinghouse for information relating to downtown development; and

D. To provide training and technical assistance to communities that demonstrate a willingness and ability to revitalize their downtowns.

3. Collaboration. The State Planning Office within the Executive Department shall work collaboratively with the Commissioner of Economic and Community Development, the Maine Development Foundation and other state agencies to coordinate the programs of the center.

4. Funding. The center shall develop a plan for the ongoing funding of the center.

5. Definition. For the purposes of this section, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A.

Sec. 4. 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. 5. 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.

Sec. 6. 5 MRSA §13058, sub-§10-A is enacted to read:

10-A. Maine Downtown Center. The commissioner shall establish the Maine Downtown Center, referred to in this subsection as the "center," within the department to encourage downtown revitalization in the State.

A. The center serves the following functions:

(1) To advocate for downtown revitalization;

(2) To promote awareness about the importance of vital downtowns;

(3) To serve as a clearinghouse for information relating to downtown development; and

(4) To provide training and technical assistance to communities that demonstrate a willingness and ability to revitalize their downtowns.

B. The commissioner shall appoint a director of the center who shall administer the center in accordance with the policies of the commissioner and the provisions of this subsection.

C. The commissioner shall collaborate with the Director of the State Planning Office within the Executive Department to coordinate the programs of the center.

D. For the purposes of this subsection, "downtown" means the traditional central business district of a community that has served 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.

Sec. 7. 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. 8. 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 se-

vere 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;

Sec. 9. 30-A MRSA §4349, as amended by PL 1993, c. 721, Pt. B, §2 and affected by Pt. H, §1, is repealed.

Sec. 10. 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 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.

Sec. 11. 30-A MRSA §4354, sub-§1, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. For the purposes of this subsection, infrastructure facilities include, but are not limited to:

- (1) Waste water collection and treatment facilities;
- (2) Municipal water facilities;
- (3) Solid waste facilities;
- (4) ~~Fire protection~~ Public safety equipment and facilities;
- (5) Roads and traffic control devices; ~~and~~

(6) Parks and other open space or recreational areas; and

(7) School facilities.

Sec. 12. 30-A MRSA §5903, sub-§§3-B and 3-C are enacted to read:

3-B. 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.

3-C. Downtown improvement. "Downtown improvement" includes facade, utility relocation or extension, historic preservation and parking and road improvement; elevator, sprinkler system and 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.

Sec. 13. 30-A MRSA §5953-D, as renumbered by RR 1993, c. 2, §27, is amended to read:

§5953-D. Assistance from Municipal Investment Trust Fund

1. Application for public service infrastructure grants and loans. In addition to the other forms of financial assistance available under section 6006-D, an eligible municipality or group of municipalities may apply for a public service infrastructure grant or loan from the Municipal Infrastructure Investment Trust Fund, in this section called the "fund," the proceeds of which must be used to acquire, design, plan, construct, enlarge, repair, protect or improve public service infrastructure owned by the applicant.

The bank, in conjunction with the Department of Economic and Community Development, may prescribe an application form or procedure for an eligible municipality or group of municipalities to apply for a grant or loan under this section. The application must include all information necessary for the purpose of implementing this section and section 6006-D.

1-A. Application for downtown improvement loan. In addition to the other forms of financial

assistance available under section 6006-D, an eligible municipality or group of municipalities may apply for a downtown improvement loan from the fund, the proceeds of which must be used to acquire, design, plan, construct, enlarge, repair or protect downtown improvements.

The bank, in conjunction with the Department of Economic and Community Development, may prescribe an application form or procedure for an eligible municipality or group of municipalities to apply for a loan under this subsection. The application must include all information necessary for the purpose of implementing this section and section 6006-D.

2. Loan; loan agreements. Loans from the fund are subject to this subsection.

A. The bank may make loans from the fund to an eligible municipality or group of municipalities for one or more of the purposes set forth in subsection 1 and subsection 1-A. Each of the loans is subject to the following conditions.

(1) The total amount of loans outstanding at any one time from the fund may not exceed the balance of the fund; the proceeds of bonds or notes of the bank deposited in the fund, revenues from other sources deposited in the fund and binding financial commitments of the United States to deposit money in the fund must be included in determining the fund balance.

(2) The loan must be evidenced by a municipal bond or other debt instrument, payable by the municipality over a term not to exceed 40 years with annual principal or interest payments commencing not later than one year after the project being financed is completed.

(3) The rate of interest charged for the loans must be at or below market interest rates.

(4) Subject to the limitations of subparagraph (3), the rate of interest charged for the loans made to municipalities under this section or the manner of determining the rate of interest must be established from time to time by direction of the bank, taking into consideration the current average rate on outstanding marketable obligations.

B. Loans made to a municipality by the bank under this section must be evidenced by and made in accordance with the terms and conditions specified in a loan agreement to be executed by the bank and the municipality. The loan agreement must specify the terms and

conditions of disbursement of loan proceeds. The loan agreement must state the term and interest rate of the loan, the scheduling of loan repayments and any other terms and conditions determined necessary or desirable by the bank.

3. Eligibility certification. The bank may not make a grant or loan to a municipality or group of municipalities under this section until:

A. The applicant certifies to the bank that it has secured all permits, licenses and approvals necessary to construct the improvements to be financed by the grant or loan;

B. In the case of a loan, the applicant demonstrates to the bank that it has established a rate, charge or assessment schedule that generates annually sufficient revenue to pay, or has otherwise provided sufficient assurances that it pays, the principal of and interest on the municipal bond or other debt instrument that evidences the loan made by the bank to the municipality pursuant to the loan agreement under this section and to pay reasonably anticipated costs of operating and maintaining the financed project and the system of which it is a part;

C. In the case of a loan, the applicant certifies to the bank that it has created a dedicated source of revenue that may constitute general revenues of the applicant through a general obligation pledge of the applicant for repayment of the loan; ~~and~~

D. ~~The~~ In the case of a public service infrastructure grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a local growth management program certified under section 4348 that includes a capital improvement program ~~comprised~~ composed of the following elements:

(a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;

(b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and

where those 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.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the ~~Department of Economic and Community Development~~ Executive Department, State Planning Office to be consistent with section 4326, subsections 1 to 4; ~~and,~~

~~(b) The request for a loan is part of a complete application for financial assistance that is filed on or before December 31, 1998.~~

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of subparagraphs (1) or (2) may jointly apply for assistance under this section; and

E. In the case of a downtown improvement loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph. A municipality is eligible to receive a downtown improvement loan if that municipality has:

(1) Shown broad-based support for downtown revitalization;

(2) Established a comprehensive downtown revitalization work plan, including a definition and a map of the affected area;

(3) Developed measurable goals and objectives;

(4) Demonstrated an historic preservation ethic;

(5) Established an ongoing board of directors, with associated committees;

(6) Provided an adequate operating budget;

(7) Hired a professional downtown manager;

(8) Established an ongoing training program for staff and volunteers;

(9) Developed the capacity to report on the progress of the downtown program; and

(10) Established the ability and willingness to support integrated marketing efforts for retailers, services, activities and events.

4. Criteria; conditions for public service infrastructure grants and loans. The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of public service infrastructure loans and grants to eligible municipalities after consultation with the Municipal Capital Investment Advisory Commission and subject to the requirements of this section. The department shall:

A. Give priority to those municipalities that are experiencing rapid growth and possess a public service infrastructure inadequate to accommodate that growth;

B. Establish a preference for those municipalities eligible under subsection 3, paragraph D, subparagraph (1) over those municipalities eligible under subsection 3, paragraph D, subparagraph (2);

C. Establish a preference for those municipalities with higher local property tax burdens. The comparative local property tax burden must be determined under section 5681;

D. Establish a preference for capital investment projects undertaken jointly by 2 or more municipalities or that provide substantial regional benefits;

E. Adopt other criteria as it determines necessary to ensure that loans and grants made under this section maximize the ability of municipalities to accommodate planned growth and economic development; and

F. Condition any loans and grants under this section on consistency with the municipality's comprehensive plan or local growth management program.

4-A. Criteria; conditions for downtown improvement loans. The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of downtown improvement loans to eligible municipalities after consultation with the state agencies listed in subsection 5 and subject to the requirements of this section. The department shall establish a preference for municipalities that are regional service centers or urban compact municipalities or have adopted a comprehensive plan consistent with section 4326.

5. Coordination. The bank shall coordinate the loans and grants made under this section with all other community assistance loans and grants administered by the Department of Economic and Community Development and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Education, the Department of Transportation, the State Planning Office within the Executive Department, the Finance Authority of Maine, the Maine State Housing Authority, the Maine Historic Preservation Commission, the Department of Administrative and Financial Services, the Department of Conservation and the Department of Environmental Protection.

6. Municipal Capital Investment Advisory Commission. The Municipal Capital Investment Advisory Commission is established to provide expert assistance and input to the Department of Economic and Community Development on the development of loans and grants criteria under this section. The commission is composed of 5 members who shall serve staggered 4-year terms except that the terms of the initial members are as follows: one member serves for 2 years; 2 members serve for 3 years; and 2 members serve for 4 years. The Governor shall appoint the members who must each have expertise and experience in municipal government or locally supported regional associations. The commission shall meet at least twice annually and shall review the loans and grants criteria annually.

7. Report to the Legislature. The bank shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters no later than January 1, 1995 and ~~biennially thereafter~~ 1st of each odd-numbered year on the loans and grants program. The bank may make any recommendations it finds necessary to more effectively achieve the purposes of this section, including the appropriation of any necessary additional funds.

Sec. 14. 30-A MRSA §6006-D, as corrected by RR 1993, c. 2, §§30 and 31, is amended to read:

§6006-D. Municipal Investment Trust Fund

1. Establishment; administration. The Municipal ~~Infrastructure~~ Investment Trust Fund, referred to in this section as the "fund," is established in the custody of the bank as a special fund as provided in this section.

A. The purpose of the fund is to provide financial assistance under subsection 2 for the acquisition, design, planning, construction, enlargement, repair, protection or improvement of public service infrastructure and downtown improvements.

B. The bank shall administer the fund. The fund must be invested in the same manner as permitted for investment of funds belonging to the State or held in the State Treasury. The fund must be established and held separate from any other funds or money of the State or the bank and used and administered exclusively for the purpose of this section and section 5953-D. The fund consists of the following:

- (1) Sums that are appropriated by the Legislature or transferred to the fund from time-to-time by the Treasurer of State;
- (2) Principal and interest received from the repayment of loans made from the fund;
- (3) Capitalization grants and awards made to the State or an instrumentality of the State by the Federal Government for any of the purposes for which the fund has been established. These amounts must be paid directly into the fund without need for appropriation by the State;
- (4) Interest earned from the investment of fund balances;
- (5) Private gifts, bequests and donations made to the State for any of the purposes for which the fund has been established;
- (6) The proceeds of notes or bonds issued by the State for the purpose of deposit in the fund;
- (7) The proceeds of notes or bonds issued by the bank for the purpose of deposit in the fund; and
- (8) Other funds from any public or private source received for use for any of the purposes for which the fund has been established.

2. Uses. The fund may be used for one or more of the following purposes:

- A. To make grants and loans to municipalities under this section and section 5953-D;
- B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement described in section 5953-D, subsection 1;
- C. To guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital im-

provement described in section 5953-D, subsection 1;

D. To invest available fund balances and to credit the net interest income on those balances to the fund;

E. To invest as a source of revenue or security for the payment of principal and interest on general or special obligations of the bank if the proceeds of the sale of the obligations have been deposited in the fund or loaned to eligible participants in the programs financed with the fund, or as a source of revenue to subsidize municipal loan payment obligations; and

F. To pay the costs of the bank associated with the administration of the fund and projects financed by it as long as no more than 2% of the aggregate of the highest fund balance in any fiscal year is used for these purposes.

3. Establishment of accounts. The bank may establish accounts and subaccounts within the fund as it determines desirable to effectuate the purposes of this section, including, but not limited to, accounts to segregate a portion of the fund for grants and as security for bonds issued by the bank for deposit in the fund and to be invested for the benefit of specified projects receiving financial assistance from the fund.

Sec. 15. 38 MRSA §488, sub-§19, as amended by PL 1997, c. 603, §4, is further amended by amending the first paragraph to read:

19. Municipal capacity. A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including 7 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate 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. The planning board of the municipality in which the development is located or an adjacent municipality may petition the 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 municipality. Review by the department is limited to the identified

regional environmental impacts. The criteria are as follows:

Sec. 16. Department of Economic and Community Development to develop investment policy to assist municipalities and private property owners in the redevelopment of downtowns. The Department of Economic and Community Development shall develop an investment policy that will provide further means to improve the condition of downtown properties and infrastructure to meet the multiple-use needs of downtowns. The policy must be based upon a proactive strategy that promotes investment in downtowns by:

1. Targeting transportation, economic and business development funds to assist in renovations to meet the contemporary needs of retail and office businesses and to provide appropriate access to and circulation within downtowns;

2. Encouraging the development and redevelopment of mixed-use spaces, including residential units, in downtowns;

3. Providing outreach and active technical assistance to communities that have state offices or facilities that serve clients to attract state facility development and other downtown business opportunities; and

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.

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.

Sec. 17. Report on productive farming, fishing and forestry. The Land and Water Resources Council shall submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, agriculture, conservation and forestry matters and taxation matters by January 15, 2001 with an evaluation of and recommendations on the use of incentives to keep land in productive farming, fishing and forestry use.

Sec. 18. 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 known as "brownfields."

Sec. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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.

improvement loans to municipalities.

Sec. 27. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

EXECUTIVE DEPARTMENT
TOTAL \$3,750,000

EXECUTIVE DEPARTMENT

Planning Office

All Other \$100,000

Provides for the appropriation of funds to provide matching funds for grants to be used to revitalize downtowns.

TOTAL APPROPRIATIONS \$3,835,000

Sec. 25. 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

Sec. 28. Retroactivity. Those sections of this Act that repeal the Maine Revised Statutes, Title 30-A, section 4349 and enact Title 30-A, section 4349-A apply retroactively to state capital investments made after June 30, 2000.

See title page for effective date.

Downtown Leasehold Improvement Fund

All Other \$800,000

Provides for the appropriation of funds to capitalize the Downtown Leasehold Improvement Fund for capital improvements to leased space. At the end of each fiscal year any unexpended balance may not lapse but must be carried forward to be used for the same purpose.

Sec. 26. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

MAINE MUNICIPAL BOND BANK

Municipal Investment Trust Fund

All Other \$5,000,000

Provides for the appropriation of funds to capitalize the Municipal Investment Trust Fund for downtown

CHAPTER 777

S.P. 1083 - L.D. 2687

An Act to Implement a Maine Meat and Poultry Inspection Program

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

Sec. 1. 22 MRSA c. 562-A is enacted to read:

CHAPTER 562-A

PREPARATION OF LIVESTOCK AND POULTRY PRODUCTS FOR HUMAN CONSUMPTION

SUBCHAPTER I

GENERAL PROVISIONS

§2511. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Adulterated. "Adulterated" applied to a livestock or poultry product means that the livestock product or poultry product: