

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
NATURAL RESOURCES**

JULY 2000

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX*..... Chapter # of Constitutional Resolution passed by both Houses
- CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; bill died
- DIED BETWEEN BODIES*..... House & Senate disagree; bill died
- DIED IN CONCURRENCE*..... One body accepts ONTP report; the other indefinitely postpones the bill
- DIED ON ADJOURNMENT*..... Action incomplete when session ended; bill died
- EMERGENCY*..... Enacted law takes effect sooner than 90 days
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*..... Emergency bill failed to get 2/3 vote
- FAILED ENACTMENT/FINAL PASSAGE*..... Bill failed to get majority vote
- FAILED MANDATE ENACTMENT*..... Bill imposing local mandate failed to get 2/3 vote
- NOT PROPERLY BEFORE THE BODY*..... Ruled out of order by the presiding officers; bill died
- INDEF PP*..... Bill Indefinitely Postponed
- ONTP*..... Ought Not To Pass report accepted
- OTP ND*..... Committee report Ought To Pass In New Draft
- OTP ND/NT*..... Committee report Ought To Pass In New Draft/New Title
- P&S XXX*..... Chapter # of enacted Private & Special Law
- PUBLIC XXX*..... Chapter # of enacted Public Law
- RESOLVE XXX*..... Chapter # of finally passed Resolve
- UNSIGNED*..... Bill held by Governor
- VETO SUSTAINED*..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
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Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

Committee Amendment "A" (H-1106) proposed to strengthen the authority of the drinking water program to deny an application for a new water supply in the vicinity of potential sources of contamination that already exist.

The amendment proposed, instead of moving the drinking water program effective July 1, 2001, to require the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant would be required to submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

Enacted law summary

Public Law 1999, chapter 761 strengthens notice requirements for projects that could threaten water supplies and requires a municipality to give written notice to a water supplier if certain projects are proposed near its groundwater wells or surface water intakes. It also strengthens the authority of the drinking water program within the Department of Human Services to deny an application for a new water supply in the vicinity of existing potential sources of contamination. The law requires the Land and Water Resources Council to develop an education strategy for public water supply protection aimed at municipalities and the general public.

The law requires the Department of Human Services and the Department of Environmental Protection to jointly hire a consultant to review the drinking water and plumbing control programs and evaluate the strengths and weaknesses of various agencies to house the programs. The consultant shall submit a report outlining the findings of the review to the joint standing committees of the Legislature having jurisdiction over natural resources and human services matters by February 1, 2001.

LD 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

PUBLIC 776

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| | OTP-AM MAJ | S-660 |
| | ONTP MIN | S-792 MICHAUD |

LD 2600 proposed to implement the recommendations of the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development that relate to land use policy. The bill proposed to address issues related to downtowns by establishing and capitalizing the Downtown Leasehold Improvement Fund; by establishing the Maine Downtown Center within the Department of Economic and Community Development to encourage downtown revitalization in Maine communities; by authorizing the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements and appropriating \$5,000,000 for downtown improvement loans; and by requiring the Department of Economic and Community Development to develop an investment policy related to downtowns.

The bill proposed to require municipalities in which construction projects for new schools will be located to consider, with the assistance of the State Planning Office, priority locations in selecting a school building site. The bill proposed that if a municipality does not select a priority location, state funds may be used for the project only if the municipality's land use regulations do not prohibit denser residential development within 1/4 mile of the school property.

The bill proposed to add school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The bill proposed to define state growth-related capital investments and direct them to locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. Exceptions could be made for certain state investments.

The bill proposed to require the Department of Administrative and Financial Services, Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The bill proposed to establish the Task Force to Study Growth Management, composed of 16 members, to conduct a review of the growth management laws and issues related to growth management.

The bill proposed to require the Land and Water Resources Council to submit a report to the Legislature with an evaluation of the use of incentives to keep rural land undeveloped. The bill proposed to require the State Planning Office and the Department of Environmental Protection to promote the Maine Municipal Brownfields Revolving Loan Fund and the voluntary response action program and to make recommendations for expanding the redevelopment of "brownfields".

The bill proposed to require the Office of the State Fire Marshal to convene a stakeholders group to review state codes and federal regulations that restrict the reuse of existing structures and to recommend revisions to encourage renovation of existing buildings. The bill also proposed to require the State Planning Office to work with municipalities and regional planning commissions to develop model land use ordinances that accommodate "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.

The bill proposed to appropriate funds for the position of Statewide Geographic Information System Coordinator within the Office of Geographic Information Systems and funds for grants for financial and technical assistance to municipalities, grants to regional councils and alternative growth management initiatives.

Committee Amendment "A" (S-660), the majority report of the committee, proposed to require the Commissioner of Economic and Community Development to evaluate biennially the extent to which the purposes of the Maine Downtown Center are being met. The amendment also proposed to authorize the commissioner to seek and accept funds to support the center's purpose and to require the commissioner to collaborate with other entities to make maximum use of resources.

The amendment proposed to strike from the bill the requirement that municipalities consider priority locations in selecting sites for new school construction projects and instead to require the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The amendment also proposed to require the State Planning Office and the State Board of Education to submit a report to the Legislature by February 1, 2001 with recommendations regarding land use ordinances near newly constructed schools.

The amendment proposed to clarify that growth areas identified by a municipality in its comprehensive plan may be designated as areas suitable for any combination of residential, commercial and industrial development.

The amendment proposed to limit the definition of state growth-related capital investments to include investment by the State in 5 types of projects, to clarify what projects are not growth-related capital investment and to clarify the exceptions to the location requirements for projects in which the State makes growth-related capital investments. The amendment proposed to change to January 1, 2001 the date of application of the requirement that state growth-related capital investments must be made in certain locations.

The amendment proposed to exempt certain state facilities from the requirement that site selection criteria for state facilities give preference to priority locations. The amendment also proposed to specify that if a suitable priority location for a state facility does not exist or if a priority location would impose an undue hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in certain other areas suitable for growth.

The amendment proposed to change the list of infrastructure facilities for which impact fees may be used by municipalities to include public safety equipment and facilities rather than fire protection facilities.

The amendment proposed to restrict the existing exemption from review under the site location of development laws for certain developments located in municipalities with capacity to only those developments located within areas designated as growth areas in those municipalities.

The amendment proposed to strike the requirement that the Office of the State Fire Marshal convene a stakeholders group to review state codes and federal regulations and instead to incorporate that review into the development of a state downtown investment policy by the Department of Economic and Community Development.

The amendment proposed to change the membership of the Task Force to Study Growth Management and to clarify the requirement that the task force review impact fees.

The amendment proposed to require the Land and Water Resources Council to submit a report to the Legislature with an evaluation of the use of incentives to keep land in productive farming, fishing and forestry use and to require the Maine State Housing Authority to submit a report to the Legislature by February 15, 2001 regarding efforts to implement a home ownership program for service center downtowns.

The amendment proposed to correct an error in the bill by reducing the appropriation to the State Planning Office for growth management initiatives to the amount recommended by the Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development and to

clarify the level of funding for planning grants to municipalities, grants to regional councils and alternative growth management initiatives.

Senate Amendment "A" to Committee Amendment "A" (S-792) proposed to strike that portion of the bill, as amended by the committee amendment, that would have established the Task Force to Study Growth Management. The amendment proposed to establish the Maine Downtown Center under the administration of the State Planning Office and to eliminate the appropriation of funds to establish a position of Director of the Maine Downtown Center.

See SP 1090 for the Task Force to Study Growth Management.

See LD 2510 (P.L. chapter 731) for the appropriation to the State Planning Office for growth management initiatives.

See LD 2334 (P.L. chapter 790, Party R) for corrections of errors.

Enacted law summary

Public Law 1999, chapter 776 establishes, but does not fund, the Downtown Leasehold Improvement Fund to assist state agencies in securing space in downtowns whenever possible by providing for capital improvements to real property leases. The law authorizes the Maine Municipal Bond Bank to make loans to municipalities from the Municipal Investment Trust Fund for downtown improvements. The law establishes the Maine Downtown Center to encourage downtown revitalization in Maine communities through advocacy, information, training and technical assistance to communities.

The law limits the State to making certain state growth-related capital investments only in locally designated growth areas as identified in local comprehensive plans, or, if there is no comprehensive plan, to areas with public sewers capable of handling the development, to areas identified as census designated places or to compact areas of urban compact municipalities as defined in transportation law. The law defines state growth-related capital investments as investment by the State in the following 5 types of projects: newly constructed multifamily rental housing; industrial or business parks; sewer, water and other utility lines; public service infrastructure, public facilities and community buildings; and state office buildings, state courts and other state civic buildings. Exceptions are made for certain types of projects. The law requires the Bureau of General Services to develop site selection criteria for state facilities that give preference to priority locations, identified as service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities.

The law requires the State Board of Education to adopt major substantive rules relating to siting of new school construction projects that receive state funding. The law adds school facilities to the list of infrastructure facilities for which impact fees may be used by municipalities.

The law restricts the exemption from review under the site location of development laws for certain developments located in municipalities with capacity to developments located within areas designated as growth areas in those municipalities.

The law directs the Department of Economic and Community Development, the Land and Water Resources Council, the State Planning Office, the Department of Environmental Protection, the Maine State Housing Authority and the State Board of Education to submit reports to the Legislature on various issues related to land use and policies that affect development patterns.