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**Public Law**  
123rd Legislature  
First Regular Session

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**Chapter 208**  
**H.P. 861 - L.D. 1180**

**An Act To Promote Transportation Planning,  
Increase Efficiency and Reduce Sprawl**

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

**Sec. 1. 23 MRSA §73-A** is enacted to read:

**§ 73-A. Transportation planning incentive funding**

In order to further the purposes and policies of section 73 and Title 30-A, chapter 187, subchapter 2, encourage sound transportation planning and protect the integrity of regional transportation systems and thereby prevent or reduce the need for costly future capacity or retrofitting expenditures associated with unmanaged development along state transportation corridors, the department shall administer a program of transportation planning incentive funding as described in this section.

**1. Community transportation plan.** To be eligible for incentive funding under this section, a municipality, on its own or in collaboration with neighboring communities, must adopt a community transportation plan addressing the manner in which development along state transportation corridors in the municipality or municipalities is to occur and each municipality that adopts the plan must incorporate any land use development strategies recommended in the plan into its local ordinances. The community transportation plan and related policies, programs and ordinances must be designed to meet the objectives of the Sensible Transportation Policy Act and rules adopted pursuant to that Act and to the greatest practicable extent reduce the need to make costly transportation capacity and retrofitting improvements in the future. The department shall provide technical assistance to municipalities in developing community transportation plans through regional planning councils or other agencies or consultants designated by the department. For purposes of this section, "community transportation plan" means a transportation plan developed by one or more communities along a state transportation corridor, including but not limited to a community transportation plan that is part of a comprehensive plan developed pursuant to Title 30-A, chapter 187, subchapter 2 that is designed to strengthen the functional viability and lengthen the long-term life of state transportation corridors.

**2. Transportation incentive funding.** A municipality or a group of municipalities may apply for transportation incentive funding under this section by filing with the department a community transportation plan together with related policies, programs and ordinances, an application for incentive funding on a form provided by the department and a proposal describing the transportation improvements

for which the incentive funding will be used. The department shall authorize incentive funding amounts, within available funds, based on a competitive rating system established by the department by rule. The department shall publicize available funding at least biennially. Incentive funding must be commensurate with the merits of a plan and related policies, programs and ordinances and for an amount that does not exceed the estimated cost of the specific investment proposal. The projected transportation-related avoided costs from implementation of the community transportation plan must exceed the amount of the incentive funding as determined by the department in its rating system. A municipality must pay back to the department any incentive funding provided by the department under this section if the municipality repeals or revises its community transportation plan or related ordinance provisions within 10 years of receipt of the incentive funding, unless the repeal or revision is approved by the department.

**3. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Funding.** The Department of Transportation shall solicit municipal incentive funding applications under the Maine Revised Statutes, Title 23, section 73-A beginning in fiscal year 2008-09 and shall identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the Department of Transportation's quality community initiative programs.

Effective September 20, 2007