

MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 1372

7
8 S.P. 451

In Senate, March 29, 1983

9 Submitted by the State Development Office pursuant to Joint Rule 24
10 On Motion of Senator Carpenter of Aroostook, referred to the
Committee on Appropriations and Financial Affairs. Sent down for
11 concurrence and ordered printed.

Presented by Senator Clark of Cumberland.
JOY J. O'BRIEN, Secretary of the Senate

12 Cosponsors: Representative Higgins of Portland, Senator Pray of
Penobscot and Representative Ingraham of Houlton.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-THREE
17

18 AN ACT to Expand the Tourism
19 Promotion Program.
20

21 Emergency preamble. Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, tourism is a major component of the
25 state's economy, contributing significantly to sales
26 tax revenues and employment for Maine people; and

27 Whereas, in recent years, massive commitments of
28 public funds for tourism by other states have created
29 an increasingly competitive environment in which
30 Maine must participate if the state's tourism indus-
31 try is to continue to show growth; and

32 Whereas, if Maine is to be competitive, the
33 state's tourism promotion program should be account-
34 able, impartial, credible and efficient; and

1 Whereas, Maine's present contract with a private
2 organization for tourism promotion services will
3 expire on June 30, 1983, creating the potential of a
4 3-month gap in tourism promotion during the busiest
5 tourist season unless this Act is enacted as an emer-
6 gency; and

7 Whereas, in the judgment of the Legislature,
8 these facts create an emergency within the meaning of
9 the Constitution of Maine and require the following
10 legislation as immediately necessary for the preser-
11 vation of the public peace, health and safety; now,
12 therefore,

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

15 Sec. 1. 5 MRSA §3305, sub-§1, ¶H, as enacted by
16 PL 1975, c. 481, §2, is amended to read:

17 H. Compile, analyze and maintain information
18 useful to the development of industry in the
19 State concerning resources, sites, space, equip-
20 ment, adequate housing, contracts, materials,
21 transportation, markets, labor supply, population
22 trends and other economic considerations. The
23 State Planning Office shall study problems pecu-
24 liar to the industry and economy of Maine with a
25 view toward the broader utilization of our natu-
26 ral resources and the development of new and
27 improved products and techniques, which studies
28 shall be advanced by coordination of research
29 with existing private and governmental agencies
30 and educational institutions, and may be advanced
31 by contractual relations with persons or orga-
32 nizations equipped to conduct the needed
33 research. Additionally, the office shall prepare
34 evidence and supporting data on types of indus-
35 tries particularly suited to the needs of Maine,
36 including the travel industry. The State Planning
37 Office shall, upon request from the Governor or
38 any state department, assist in the preparation
39 of reports regarding the responsibilities and
40 duties provided by this subsection.

1 Sec. 2. 5 MRSA §7002, sub-§2, ¶D, as amended by
2 PL 1977, c. 360, §34, is further amended to read:

3 D. The several offices, boards, commissions,
4 departments and divisions of the State, and city
5 and town officials may consult with the office
6 and furnish or make available to it data and
7 information within their knowledge or control.

8 The State Development Office shall maintain a
9 close liaison with and make recommendations and
10 reports in cooperation with the Maine Guarantee
11 Authority, the Maine Geological Survey and the
12 State of Maine Publicity Bureau Maine
13 Vacation-travel Commission.

14 Sec. 3. 5 MRSA §7002, sub-§2, ¶F, as enacted by
15 PL 1975, c. 481, §3, is amended to read:

16 F. The director shall implement a program
17 designed to promote tourism and to attract tour-
18 ists to the State, expand existing tourist activ-
19 ities within the State and help existing
20 tourism-related businesses to attract tourists
21 for their facilities. Such a tourism program may
22 include coordination of activities between the
23 public and private sectors, including assistance
24 to local communities in their development
25 efforts, extension of technical assistance to new
26 and existing tourism-related industries seeking
27 expansion within the State and utilization of
28 trade missions, exhibits, brochures, technical
29 assistance and expertise as may be necessary to
30 develop and promote tourism and tourist activi-
31 ties within the State. He shall make recommenda-
32 tions to the Commissioner of Transportation on
33 the location of kiosks and manned information
34 centers and will provide personnel as necessary
35 to staff any such center built by the Department
36 of Transportation.

37 Sec. 4. 5 MRSA §7003, as amended by PL 1981, c.
38 505, §1, is repealed.

39 Sec. 5. 5 MRSA §§7004 - 7007 are enacted to
40 read:

1 §7004. Tourism promotion and information services

2 1. Division of Travel. There is established to
3 carry out the purposes of this section, a Division of
4 Travel, called the "division," within the State
5 Development Office, which shall be directly responsi-
6 ble to the Director of the State Development Office.

7 2. Director. The executive head of the division
8 shall be appointed by the Director of the State
9 Development Office and shall serve at his pleasure.
10 The director shall be paid a salary fixed by the
11 Director of the State Development Office.

12 3. Powers and duties. The division shall:

13 A. Conduct travel product planning and research
14 to determine market demand, prepare marketing,
15 promotion and advertising strategies, prepare a
16 travel product development plan, determine the
17 feasibility of travel facility development pro-
18 posals, develop and implement a comprehensive
19 travel product information system and evaluate
20 the impact of travel product programs and grants;

21 B. Implement advertising and promotion programs
22 to market this state's travel product;

23 C. Print, or cause to have printed, alone or in
24 cooperation with other travel promotion agencies
25 and groups, booklets, brochures, pamphlets and
26 other materials as required to fulfill requests
27 for information on Maine's travel product;

28 D. Encourage the development of travel product
29 facilities and activities by locating potential
30 developers, providing market and feasibility
31 analysis, assisting developers in complying with
32 public rules and laws and providing technical
33 assistance to location decision making, including
34 site selection, financing and utilities;

35 E. Review and comment upon the policies and pro-
36 grams of state agencies which directly affect the
37 achievement of the duties and responsibilities of
38 the division;

- 1 F. Provide basic support and discretionary
2 grants to local, regional and statewide agencies
3 which directly affect the achievement of the
4 duties and responsibilities of the division;
- 5 G. Staff any information center constructed,
6 owned and operated by the State;
- 7 H. Employ or engage such outside technical or
8 professional consultants as may be necessary or
9 appropriate to assist the division in carrying
10 out its functions;
- 11 I. Accept such fees as the Director of the State
12 Development Office may designate for the prepara-
13 tion and distribution of books, booklets, bro-
14 chures, pamphlets, films, photos, maps, exhibits,
15 mailing lists, all like materials and media
16 advertising. There is established within the
17 division a revolving fund for the use of the
18 division to help offset the preparation and dis-
19 tribution costs of these materials. The division
20 shall retain, without charge, an appropriate
21 number of each publication for complimentary dis-
22 tribution. Income from the sale of publications
23 and other materials that were charged to the
24 revolving fund shall be credited to the revolving
25 fund to be used as a continuing carrying account
26 to carry out the purposes of the revolving fund;
- 27 J. Subject to the approval of the Director of
28 the State Development Office, adopt, amend and
29 repeal rules to carry out the purposes of this
30 subsection and section 7006; and
- 31 K. Undertake such other activities as the Direc-
32 tor of the State Development Office considers
33 appropriate and necessary to insure the success-
34 ful implementation of this section.

35 §7005. Maine Vacation Travel Commission

- 36 1. Maine Vacation Travel Commission. The Maine
37 Vacation Travel Commission is created to assist,
38 advise, recommend and guide the Division of Travel's
39 operation. It shall consist of 9 members of major
40 tourism trade associations and 8 public members who

1 shall represent their respective regions and who are
2 experienced in the field or who have demonstrated a
3 concern for the travel industry. The terms of the
4 members shall be 4 years each, except for the members
5 first appointed, 4 shall be appointed for a term of 4
6 years, 4 for 3 years, 4 for 2 years and 5 for one
7 year. The members shall be appointed by the Governor,
8 who shall fill any vacancies in the appointed member-
9 ship for the unexpired term. The commissioner or
10 director, or his designee, of the following state
11 departments or offices shall serve as ex officio,
12 nonvoting members of the commission: State Develop-
13 ment Office; State Planning Office; Department of
14 Conservation; Department of Transportation; Depart-
15 ment of Inland Fisheries and Wildlife; Department of
16 Agriculture, Food and Rural Serources; Department of
17 Educational and Cultural Services; Bureau of Public
18 Improvements and Canadian Affairs Coordinator. A
19 chairman and vice-chairman shall be elected annually
20 from the appointed membership.

21 2. Powers and duties. The commission shall:

22 A. Recommend rules for the implementation of
23 section 7006 and make recommendations on the
24 award of matching funds to the Director of the
25 State Development Office;

26 B. Recommend policy guidelines on marketing,
27 promotion and advertising strategies to the Divi-
28 sion of Travel;

29 C. Conduct public hearings as necessary to
30 obtain input concerning tourism policy develop-
31 ment from a broad cross section of travel inter-
32 ests;

33 D. Assist the Division of Travel in providing
34 technical assistance to the travel industry and
35 in planning and conducting periodic tourism con-
36 ferences;

37 E. Prepare a report for annual submission to the
38 Governor and the Legislature relative to the pro-
39 grams, policies and accomplishments of the Maine
40 Vacation Travel Commission; and

1 F. Assist the Division of Travel in such other
2 areas as the Director of the State Development
3 Office considers appropriate and necessary to
4 insure the successful implementation of this
5 section.

6 3. Compensation. Commissioners shall serve with-
7 out pay, but shall be entitled to reimbursement for
8 normal expenses incurred for official exercise of
9 duties subject to guidelines adopted by the Director
10 of the State Development Office in accordance with
11 travel rules adopted by the State.

12 \$7006. Travel Promotion Matching Fund Program

13 1. Statement of purpose. There is established a
14 Travel Promotion Matching Fund Program to serve the
15 following purposes:

16 A. To allow the State to provide part of the
17 funds necessary for public and private nonprofit
18 travel promotion organizations to conduct pro-
19 motion programs;

20 B. To strengthen the state image by coordinating
21 the promotional efforts of the private sector and
22 the Division of Travel of the State Development
23 Office.

24 2. Allocation of funds. Within the limits of
25 available funding, for every dollar raised by the
26 private sector for travel promotion under the provi-
27 sions of this section, the State shall provide one
28 dollar in matching funds. No grant may exceed the
29 amount raised by the organization and applied to its
30 proposed program. It is not the intent of this
31 section to reduce any organization's financial parti-
32 cipation in any on-going project, but rather to
33 increase them or develop new programs. The grant pro-
34 gram shall be geared to specific promotional efforts
35 and costs and is not intended to match any adminis-
36 trative costs, including any form of personal ser-
37 vices.

38 3. Eligible organizations. Matching funds shall
39 be made available to those nonprofit travel promotion
40 organizations which best meet the purposes of this

1 section. No such organization may disburse state
2 matching funds to a private, for profit, business for
3 the purpose of promoting its goods, services, func-
4 tions or activities.

5 4. Administration. The State Development Office,
6 through the Division of Travel, shall administer the
7 Travel Promotion Matching Fund Program with such
8 flexibility as to bring about the most effective and
9 economical travel promotion program possible. Appli-
10 cations from all regions of the State shall be
11 equally considered. The Maine Vacation-travel Commis-
12 sion shall recommend rules and procedures necessary
13 and appropriate to the proper operation of the Travel
14 Promotion Matching Fund Program. These rules shall
15 establish eligibility requirements, allocation for-
16 mulas, application procedures and criteria subject to
17 the final approval of the Director of the State
18 Development Office. The Maine Vacation-travel Commis-
19 sion shall establish a schedule for review of grant
20 applications and make timely recommendations of grant
21 awards to the Division of Travel. Grants recommended
22 by the commission to the division must be approved by
23 the Director of the State Development Office prior to
24 any disbursement of funds.

25 5. Bookkeeping systems. The State Development
26 Office and all tourist promotion organizations qual-
27 ifying for matching funds under this section shall
28 keep accurate records of any applications, trans-
29 actions, payment receipts and correspondence relating
30 to the implementation of the Travel Promotion Match-
31 ing Fund Program.

32 6. Reimbursement procedures. Upon receipt in
33 writing of satisfactory evidence of program progress
34 and funds expended or committed, the Division of
35 Travel shall reimburse the organization according to
36 a matching funds contract. Within 60 days of comple-
37 tion of the program, each grant recipient shall pro-
38 vide the Division of Travel with the following:

39 A. A completed program evaluation report on a
40 form supplied by the Division of Travel;

41 B. Copies of all advertisements purchased;

1 C. Samples of any promotion material used in the
2 program; and

3 D. Any other information requested by the Divi-
4 sion of Travel.

5 No additional matching funds may be awarded to an
6 organization until the provisions of this subsection
7 have been met.

8 §7007. Appropriation

9 The Legislature shall annually appropriate to the
10 State Development Office the sums necessary to imple-
11 ment the programs established by the Division of
12 Tourism and to operate the Travel Promotion Matching
13 Fund Program. Unexpended funds shall not lapse, but
14 shall be carried forward.

15 Sec. 6. 23 MRSA §1905, as repealed and replaced
16 by PL 1981, c. 318, §1, is amended to read:

17 §1905. Official tourist information centers

18 To the extent funds are available or contracts
19 can be entered into, the commissioner shall establish
20 official tourist information centers near the prin-
21 cipal entrance points into the State, as determined
22 by the commissioner, with the advice and recommenda-
23 tion of the Director of the State Development Office,
24 and at such other locations as the commissioner deems
25 appropriate in order to provide information about
26 public accommodations, facilities, commercial ser-
27 vices and other businesses for the traveling public,
28 and points of scenic, historic, cultural, recrea-
29 tional, educational and religious interest.

30 Sec. 7. 23 MRSA §1907, as repealed and replaced
31 by PL 1981, c. 318, §1, is repealed.

32 Sec. 8. 23 MRSA §4206, sub-§1, ¶L, as amended by
33 PL 1981, c. 591, is repealed.

34 Emergency clause. In view of the emergency
35 cited in the preamble, this Act shall take effect
36 when approved.

2
1 STATEMENT OF FACT

2 The object of this bill is to facilitate the
3 orderly growth and development of the travel, tourism
4 and convention industry of this State, to establish
5 policies and programs to encourage vacation, recrea-
6 tion and convention travel by residents and nonresi-
7 dents and to advertise, market and publicize the
8 travel vacation product of this State to residents
9 and nonresidents. The bill encourages close coopera-
10 tion between the public and private sectors through
11 the creation of a Maine Vacation-travel Commission
12 and provides for coordination of promotion programs
13 between public and private, nonprofit organizations,
14 such as the Maine Publicity Bureau, through use of a
15 matching grant program.

16 After careful analysis of other states' programs
17 and input from industry experts, it is anticipated
18 that in order to successfully implement this bill, an
19 appropriation of \$1,500,000 will be required. This
20 permits the State to operate a tourism promotion pro-
21 gram which is competitive with those of neighboring
22 New England states. Other states with similar pro-
23 grams have demonstrated that funds committed to tour-
24 ism promotion will generate at least an equal return
25 in tax dollars to state and local treasuries.

26 Appropriations by budget categories are as fol-
27 lows:

28 Personal Services:	\$ 250,000
29 Matching Grants:	\$ 300,000
30 All Other:	\$ 950,000
31	<u>\$1,500,000</u>

32 Moneys to accomplish this have been included in
33 the Governor's Part II budget.

34 2788031783