

MAINE STATE LEGISLATURE

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(New Draft of H.P. 857, L.D. 1151)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1808

H.P. 1324 House of Representatives, June 11, 1987
Reported by Representative CROWLEY from the Committee on
Economic Development and printed under Joint Rule 2.

EDWIN H. PERT, Clerk
Original bill submitted by the Joint Select Committee on
Economic Development pursuant to Resolves of 1985, chapters 45
and 53.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Create the Department of Economic
2 and Community Development, to
3 Establish Consistency among Economic
4 Development Laws and to Establish a
5 Capital Budgeting and Planning
6 Process.
7

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

10 PART A

11 Sec. 1. 2 MRSA §6, sub-§1, as amended by PL
12 1985, c. 785, Pt. A, §1, is further amended to read:

1 1. Range 91. The salaries of the following
2 state officials and employees shall be within salary
3 range 91:

4 Commissioner of Transportation;

5 Commissioner of Conservation;

6 ~~Director of State Development Office;~~

7 Commissioner of Finance;

8 Commissioner of Administration;

9 Commissioner of Educational and Cultural Ser-
10 vices;

11 Commissioner of Environmental Protection;

12 Commissioner of Human Services;

13 Commissioner of Mental Health and Mental Retarda-
14 tion;

15 Commissioner of Public Safety;

16 Commissioner of Business Occupational and Profes-
17 sional and Financial Regulation;

18 Commissioner of Labor;

19 Commissioner of Agriculture, Food and Rural Re-
20 sources;

21 Commissioner of Inland Fisheries and Wildlife;

22 Commissioner of Marine Resources; and

23 Commissioner of Corrections; and

24 Commissioner of Economic and Community Develop-
25 ment.

26 **Sec. 2. 3 MRSA §507-B, sub-§9, as enacted by PL**
27 **1985, c. 737, Pt. A, §11, and c. 763, Pt. A, §8, is**
28 **repealed.**

1 Sec. 3. 3 MRSA §507-B, sub-§9-A is enacted to
2 read:

3 9-A. Agencies scheduled for termination on June
4 30, 1985. Pursuant to section 507, subsection 6,
5 paragraph B, the following agencies scheduled for
6 termination on June 30, 1985, are continued or modi-
7 fied by an Act of the Legislature passed prior to
8 June 30, 1985:

9 A. Public Utilities Commission;

10 B. Office of Energy Resources;

11 C. Maine Development Foundation;

12 D. Saco River Corridor Commission;

13 E. State Soil and Water Conservation Commission;
14 and

15 F. Atlantic Sea Run Salmon Commission.

16 Sec. 4. 5 MRSA §934-A is enacted to read:

17 §934-A. Department of Economic and Community Devel-
18 opment

19 1. Major policy-influencing positions. The fol-
20 lowing positions are major policy-influencing posi-
21 tions with the Department of Economic and Community
22 Development. These positions shall be appointed by
23 the Commissioner of Economic and Community Develop-
24 ment and shall serve at his pleasure. Notwithstand-
25 ing any other provision of law, these positions and
26 their successor positions shall be subject to this
27 chapter:

28 A. Deputy Commissioner of Administration;

29 B. Deputy Commissioner for Business Development;

30 C. Deputy Commissioner for Community Develop-
31 ment;

32 D. Deputy Commissioner for Tourism; and

1 E. Associate Commissioner for Development Poli-
2 cy.

3 **Sec. 5. 5 MRSA §1507, sub-§5-A, as amended by PL**
4 **1985, c. 814, Pt. E, §2, is further amended to read:**

5 **5-A. Job development training.** The Governor may
6 allocate funds from such account in amounts not to
7 exceed in total the sum of \$250,000 in any fiscal
8 year, except that in the fiscal year ending June 30,
9 1987, the amount shall not exceed \$325,000 to provide
10 funds for any unusual, unforeseen or extraordinary
11 needs for state assistance in creating jobs by as-
12 sisting in meeting the training requirements of labor
13 intensive new or expanding industries. Allocations
14 for this purpose may be made from this fund by the
15 Governor only upon the written request of the Commis-
16 sioner of Labor or the ~~Director of the State Develop-~~
17 ~~ment-Office~~ Commissioner of Economic and Community
18 Development and after consultation with the State
19 Budget Officer. The ~~director's or~~ commissioner's re-
20 quest to the Governor shall be formulated subsequent
21 to their consultation with each other, the Commis-
22 sioner of Educational and Cultural Services, the Di-
23 rector of the Maine Vocational-Technical Institute
24 System and the director of the appropriate service
25 delivery area as defined by the Job Training Partner-
26 ship Act.

27 **Sec. 6. 5 MRSA §1893, sub-§8 is enacted to read:**

28 **8. Establish information and data exchange pro-**
29 **cedure.** The board shall establish an information and
30 data exchange procedure to be implemented by December
31 1, 1987, by which information and data available
32 among several state agencies relating to the work
33 force, employment and unemployment patterns, poverty
34 and low-income patterns, wage rates, economically
35 distressed communities and regions and other similar
36 information shall be made available to the Department
37 of Economic and Community Development and the State
38 Planning Office for the purposes of analysis and
39 evaluation, measurement and monitoring of poverty and
40 economic and social conditions throughout the State
41 and to promote economic and community development
42 with the understanding that the confidentiality of
43 the information shall be maintained.

1 A. In the event that there are any problems with
2 respect to the successful implementation of this
3 subsection, the board shall report these problems
4 to the joint standing committee of the Legisla-
5 ture having jurisdiction over economic develop-
6 ment matters. The board shall cite the agency or
7 agencies which cannot make the information avail-
8 able to fill the needs of the Department of Eco-
9 nommic and Community Development and the State
10 Planning Office, any law or rule that prevents or
11 impedes the successful implementation of this
12 subsection and any other reasons for the problems
13 of implementing this subsection.

14 B. The Department of Economic and Community De-
15 velopment and the State Planning Office shall re-
16 port to the board and to the joint standing com-
17 mittee of the Legislature having jurisdiction
18 over economic development matters any problems
19 that prevent or impeded the successful implemen-
20 tation of this subsection and the reasons for
21 these problems.

22 Sec. 7. 5 MRSA §3302, sub-§1, as enacted by PL
23 1967, c. 533, §1, is repealed and the following en-
24 acted in its place:

25 1. Comprehensive planning. "Comprehensive plan-
26 ning" includes, but is not limited to:

27 A. Preparation of strategic and long-range plans
28 and goals for human and physical resources devel-
29 opment and utilization, but does not include
30 preparation of an economic development strategy
31 pursuant to chapter 383;

32 B. Standards and procedures for programming and
33 financing plans for capital improvements;

34 C. Coordination of related departmental plans;

35 D. Intergovernmental coordination of related
36 planning activities;

37 E. Preparation of regulatory and administrative
38 measures in support of paragraphs A to D; and

1 F. Continuing analysis of the economy of the
2 State in conjunction with the Department of Eco-
3 nomics and Community Development.

4 **Sec. 8.** 5 MRS §3305, sub-§1, ¶A, as repealed
5 and replaced by PL 1979, c. 672, Pt. A, §4, is
6 amended to read:

7 A. Coordinate the preparation of goals and poli-
8 cies to guide and carry forward the wise and co-
9 ordinated development of the state's State's
10 economy and the conservation of the state's
11 State's natural resources. These goals and poli-
12 cies and recommendations for implementation shall
13 be submitted to the Governor and Legislature for
14 their approval. They shall be developed in such
15 areas as: Land use, housing, natural resource de-
16 velopment and conservation and-commerce--and--in-
17 ustrial-development, public investment and tax-
18 ation and state regulatory policy.

19 The State Planning Office shall give the public
20 full opportunity to participate in the formula-
21 tion of these goals and policies and these goals
22 and policies shall not be in direct conflict with
23 adopted local and regional plans;

24 **Sec. 9.** 5 MRS §3305, sub-§1, ¶C as enacted by
25 PL 1967, c. 533, §1, is amended to read:

26 C. Conduct, in conjunction with the Department
27 of Economic and Community Development, continuing
28 economic analysis of the economy and resources of
29 the State of-Maine, including economic forecast-
30 ing and collect and collate all pertinent data
31 and statistics relating thereto; participate--in
32 establishing--a--data--and--statistics-center-for
33 making-such-material-available--in--useful--form;
34 establish and maintain an up-to-date data base,
35 collect, in particular, such data as required to
36 measure and monitor poverty and economic social
37 conditions throughout the State; and assist the
38 Governor, the Legislature and the various state
39 departments in formulating economic goals and
40 programs and policies to achieve such goals.

1 (1) All state agencies shall cooperate with
2 the State Planning Office with respect to
3 the provisions of this paragraph.

4 (2) In implementing this paragraph, the
5 State Planning Office may use secondary data
6 made available to the office by other state
7 agencies or other organizations;

8 Sec. 10. 5 MRSA §3305, sub-§1, ¶G, as amended by
9 PL 1979, c. 672, Pt. A, §6, is further amended to
10 read:

11 G. As coordinating agency:

12 (1) Act as the coordinating agency between
13 the several officers, authorities, boards,
14 commissions, departments and divisions of
15 the State in matters relative to the physi-
16 cal development of the State, and review the
17 proposals of ~~said~~ those agencies in the
18 light of their relationship to the adopted
19 goals and policies and incorporate such re-
20 views in the reports of the office. Noth-
21 ing, in this section ~~shall~~ may be construed
22 as limiting the powers and duties of any of-
23 ficer, authority, board, commission, depart-
24 ment or political subdivision of the State;
25 and to

26 (2) Provide general coordination and review
27 of plans in functional areas of State Gov-
28 ernment as may be necessary for receipt of
29 federal funds; and

30 Sec. 11. 5 MRSA §3305, sub-§1, ¶H, as amended by
31 PL 1983, c. 477, Pt. E, sub-pt. 26, §1, is further
32 amended to read:

33 H. Compile, analyze and maintain information
34 useful to the development of industry in the
35 State concerning resources, sites, space, equip-
36 ment, adequate housing, contracts, materials,
37 transportation, markets, labor supply, population
38 trends and other economic considerations and
39 shall measure and monitor economic distress and
40 poverty in the State on an on-going basis. The

1 State Planning Office, in conjunction with the
2 Department of Economic and Community Development,
3 shall study problems peculiar to the industry and
4 economy of Maine this State with a view toward
5 the broader utilization of our natural resources
6 ~~and the development of new and improved products~~
7 ~~and techniques,~~ which studies shall be advanced
8 by coordination of research with existing private
9 and governmental agencies and educational insti-
10 tutions, and may be advanced by contractual rela-
11 tions with persons or organizations equipped to
12 conduct the needed research. Additionally, ~~the~~
13 ~~office shall prepare evidence and supporting data~~
14 ~~on types of industries particularly suited to the~~
15 ~~needs of Maine, including the travel industry.~~
16 The State Planning Office shall, upon request
17 from the Governor or any state department, assist
18 in the preparation of reports regarding the re-
19 sponsibilities and duties provided by this sub-
20 section, including regular analysis of poverty
21 and economic distress. The State Planning Office
22 shall coordinate its activities pursuant to this
23 paragraph with the Division of Community Services
24 to meet the annual reporting needs of the divi-
25 sion.

26 Sec. 12. 5 MRSA §3305, sub-§1, ¶I, as enacted by
27 PL 1981, c. 702, Pt. Y, sub-Pt. 3, is repealed.

28 Sec. 13. 5 MRSA §3307-A, as enacted by PL 1985,
29 c. 457, §5, is repealed.

30 Sec. 14. 5 MRSA §12004, sub-§10, ¶A, sub-¶(85)
31 is amended to read:

32 (85) Tourism	Maine Vacation Expenses	5 MRSA
33	Travel Tourism Only	\$7005
34	Commission	<u>\$13093</u>

35 Sec. 15. 5 MRSA §12004, sub-§10, ¶A, sub-¶(88)
36 is enacted to read:

37 (88) Video and	Maine State Expenses	5 MRSA	\$13095
38	<u>Film</u>	<u>Film Commission Only</u>	

39 Sec. 16. 5 MRSA c. 361, as amended, is repealed.

1 Sec. 17. 5 MRSA c. 383 is enacted to read:

2 CHAPTER 383

3 ECONOMIC AND COMMUNITY DEVELOPMENT

4 SUBCHAPTER I

5 GENERAL DEPARTMENT STRUCTURE AND AUTHORITY

6 ARTICLE 1

7 DEPARTMENT OF ECONOMIC AND COMMUNITY

8 DEVELOPMENT: GENERAL ORGANIZATION MISSION

9 AND RESPONSIBILITIES

10 §13051. Legislative findings

11 The Legislature finds that the State's economy is
12 linked to the national and international economies.
13 Economic changes and disruptions around the world and
14 in the nation have a significant impact upon the
15 State's economy. The rise of 3rd-world and 4th-world
16 countries as manufacturers of commodities for mass
17 markets and the gradual evolution of the national
18 economy to a technological, informational, specialty
19 product-based economy have significantly affected the
20 State and its communities.

21 In order for the State's economy to grow and gain
22 a solid footing, it is necessary to determine the
23 State's assets and the economic opportunities that
24 are or will be available to the State's enterprise,
25 municipalities and labor force. When these opportuni-
26 ties are determined or become apparent, state econom-
27 ic development policies and programs must be focused
28 on facilitating the realization of these opportuni-
29 ties and removing barriers that impede the exploita-
30 tion of these opportunities.

31 The Legislature finds that an economic develop-
32 ment strategy designed to focus the State's economic
33 development activities and resources on economic op-
34 portunities can significantly help the State and its
35 municipalities realize greater growth and prosperity

1 without adversely affecting the quality of life in
2 the State. An economic development strategy must rec-
3 ognize and reflect the different needs, conditions
4 and opportunities of the several different economic
5 regions of the State. This strategy must be flexible
6 and periodically evaluated to make it consistent with
7 changes in conditions and opportunities that arise
8 during these times of dynamic change. It is necessary
9 to involve municipalities, regional economic develop-
10 ment organizations and the private sector in the for-
11 mulation of this strategy in order to establish a
12 well developed and comprehensive plan that has the
13 support of the State's citizens and officials.

14 §13052. Purpose

15 The Legislature finds that the decentralization
16 of economic growth and development programs among
17 several state agencies without any coordination of
18 programs and agencies and without coordination with
19 the State's municipal and regional economic efforts
20 is not in the best interest of the State. The Legis-
21 lature further finds that the State's economic devel-
22 opment programs and policies and the economies of mu-
23 nicipalities and regions mutually affect each other.

24 For state economic growth and development poli-
25 cies and programs to realize the greatest possible
26 degree of effectiveness, it is necessary to coordi-
27 nate these policies and programs on the state level,
28 as well as with local and regional levels. It is nec-
29 essary to formulate and implement economic develop-
30 ment policies and programs that are consistent with
31 an economic development strategy for the State.

32 §13053. Establishment

33 The Department of Economic and Community Develop-
34 ment is established to encourage economic and commu-
35 nity development policies and programs of the State
36 and to coordinate these programs and policies within
37 the context of a state economic development strategy.
38 The department is also established to work with mu-
39 nicipalities and regional planning and economic de-
40 velopment organizations to build strong local and re-
41 gional economies and to implement programs and ser-
42 vices through these local and regional organizations.

1 The department shall encourage the creation and
2 retention of quality jobs through increased private
3 sector investment and to enhance the quality of life
4 for all by assisting local governments to plan and
5 implement comprehensive community development strate-
6 gies.

7 §13054. Definitions

8 As used in this chapter, unless the context oth-
9 erwise indicates, the following terms have the fol-
10 lowing meanings.

11 1. Commissioner. "Commissioner" means the Com-
12 missioner of Economic and Community Development.

13 2. Department. "Department" means the Depart-
14 ment of Economic and Community Development.

15 3. State Development Office. "State Development
16 Office" means the Department of Economic and Commu-
17 nity Development.

18 §13055. Organization of department

19 The department shall consist of the organizations
20 as established in this section to fulfill the pur-
21 poses and mission as stated in this chapter and in a
22 manner consistent with the State's economic develop-
23 ment strategy.

24 1. Organizations. The department shall contain
25 the following organizations:

26 A. The Office of Business Development;

27 B. The Office of Community Development;

28 C. The Office of Tourism; and

29 D. The Division of Development Policy.

30 §13056. Duties and responsibilities of department

31 The department shall have the duties and respon-
32 sibilities to:

1 1. Implement policies and programs. Implement
2 economic development policies and programs in compli-
3 ance with the state economic development strategy;

4 2. Work with other organizations. Work with
5 other state agencies, municipalities and regional
6 planning, community and economic development organi-
7 zations for the purpose of assisting and encouraging
8 the orderly and coordinated development of the State;

9 3. Conduct planning and research. Conduct plan-
10 ning, research and analysis for department needs, but
11 not macroeconomic forecasting which shall be the re-
12 sponsibility of the State Planning Office. The de-
13 partment shall gather, maintain and have access to
14 all economic and other information necessary to the
15 performance of its duties;

16 4. Communication with private sector. Communi-
17 cate, on a regular basis, with the private sector to
18 inform the private sector of departmental programs
19 and services and to determine the needs, problems and
20 opportunities of the private sector;

21 5. Prepare and distribute publications. Prepare
22 and distribute publications that:

23 A. Describe various business development pro-
24 grams within the State that are available to
25 Maine businesses;

26 B. Describe the various community and economic
27 development programs of the State; and

28 C. Market the State of Maine and its communities
29 as suitable areas for business development; and

30 6. Implement programs. Implement economic and
31 community development programs which are assigned to
32 the department by the Governor or Legislature, in-
33 cluding those formerly administered by the following
34 other state agencies:

35 A. The programs of the State Development Office;
36 and

1 B. Other community planning and development as-
2 sistance programs of the State Planning Office;
3 and

4 7. Contract for services. When contracting for
5 services, the department, to the maximum extent fea-
6 sible, shall seek to use the State's private sector
7 resources in conducting studies, providing services
8 and preparing publications.

9 §13057. Commissioner; appointment

10 The commissioner shall be appointed by the Gover-
11 nor, subject to review by the joint standing commit-
12 tee of the Legislature having jurisdiction over eco-
13 nomical development matters and legislation and to con-
14 firmation by the Legislature. The commissioner shall
15 serve at the pleasure of the Governor.

16 1. Qualifications. The commissioner shall be a
17 person with background, experience and interest in
18 the areas of community and economic development.

19 §13058. Duties and responsibilities of commissioner

20 The department shall be administered by the com-
21 missioner. The commissioner shall have the following
22 powers and duties.

23 1. Employ and remove staff. The commissioner
24 shall employ and remove staff of the department.
25 Persons employed in major policy-influencing posi-
26 tions, as defined in section 934-A, and professional
27 staff whose positions were formerly located in the
28 State Development Office shall serve at the pleasure
29 of the commissioner.

30 A. All professional positions which are unclas-
31 sified positions and members of bargaining units
32 and are transferred to the department from units
33 of State Government other than the State Develop-
34 ment Office shall retain their current status,
35 including their rights as members of bargaining
36 units. Classified, clerical and other
37 nonprofessional staff shall be hired pursuant to
38 the Civil Service Law for classified state em-
39 ployees.

1 B. The commissioner may employ or engage such
2 outside technical or professional consultants as
3 may be necessary or appropriate to assist the of-
4 fice in carrying out its functions and may enter
5 into contracts with other boards, commissions,
6 departments and divisions of the State, with the
7 University of Maine System or with private enti-
8 ties to assist him in carrying out his duties un-
9 der this chapter.

10 2. Accept federal funds. The commissioner may
11 accept for the State any federal funds appropriated
12 under any federal law relating to the authorized pro-
13 grams of the department, including community and eco-
14 nomical development in those nonentitlement areas and
15 for those projects duly authorized under the United
16 States Housing and Community Development Act of 1974,
17 Title 1, and its subsequent amendments. The commis-
18 sioner may undertake the necessary duties and tasks
19 to implement federal law with respect to the autho-
20 rized programs of the department.

21 A. The commissioner may accept for the depart-
22 ment any funds from any other agency of govern-
23 ment, individual, group, foundation or corpora-
24 tion to carry out this chapter, including fees
25 designated by the commissioner for books, bro-
26 chures, pamphlets, films, photos, maps and simi-
27 lar materials. A revolving fund is established
28 within the department for the use of the depart-
29 ment to cover the printing and distribution costs
30 of these materials. Income from the sale of pub-
31 lications shall be credited to the revolving fund
32 to be used as a continuing carrying account to
33 carry out the purposes of the revolving funds.

34 3. Hold hearings and adopt rules. The commis-
35 sioner may hold hearings and adopt rules, in accord-
36 ance with the Maine Administrative Procedures Act,
37 Title 5, chapter 375, with respect to the implementa-
38 tion of authorized programs of the department.

39 A. The commissioner may adopt rules to distrib-
40 ute funds or assistance under the United States
41 Housing and Community Development Act of 1974,
42 Title 1, and its subsequent amendments. The
43 rules shall be consistent with the annual final

1 statement for the State Community Development
2 Program submitted to the Federal Government. The
3 department shall give notice in writing of any
4 such rules to the joint standing committee of the
5 Legislature having jurisdiction over appropri-
6 ations and financial affairs at least 20 days be-
7 fore the hearing, as stipulated in the Maine Ad-
8 ministrative Procedure Act, Title 5, chapter 375,
9 or before the deadline for comments if no hearing
10 is scheduled.

11 4. Coordinate programs and services. The com-
12 missioner shall coordinate the programs and services
13 of the department. The commissioner shall coordinate
14 the department's programs and services with those
15 programs and services of other state agencies and re-
16 gional planning and economic development organiza-
17 tions.

18 5. Review of program; report to Governor and
19 Legislature. The commissioner shall review and eval-
20 uate the programs and functions of the department and
21 the operation of the economic delivery system. The
22 commissioner shall report his findings and recommen-
23 dations with respect to the issues described in this
24 subsection to the Governor and to the Legislature no
25 later than February 1st of each first regular session
26 of the Legislature. The commissioner shall conduct
27 his review and evaluation with respect to the follow-
28 ing:

29 A. The purpose of these programs and the degree
30 to which the purpose is being met;

31 B. The degree of significance of the purpose of
32 the programs and functions of the department;

33 C. The extent of the coordination of programs
34 and services as required in subsection 4;

35 D. The needs, problems and opportunities that
36 are not being met by the programs and services of
37 the department;

38 E. The types of programs and services necessary
39 to meet the needs, problems and opportunities as
40 set out in paragraph D;

1 F. The problems and successes in the economic
2 delivery system; and

3 G. The state of small business in this State,
4 including economic data, the effectiveness of
5 state programs to aid small business, problems of
6 small business that may be affected by state po-
7 licies and such other information on small busi-
8 ness as desired by the commissioner.

9 6. Responsible for oversight. The commissioner
10 shall be responsible for the oversight and implemen-
11 tation of the following:

12 A. A program of assistance to encourage business
13 development pursuant to subchapter II;

14 B. Community development programs;

15 C. A program of tourism promotion and develop-
16 ment;

17 D. The promotion of Maine products and Maine as
18 an investment opportunity;

19 E. A foreign trade zone program;

20 F. The Business Assistance Referral and
21 Facilitation Program, pursuant to section 13063;
22 and

23 G. The Community Industrial Buildings Program,
24 pursuant to subchapter III, article I.

25 7. Commissioner to coordinate programs. The
26 commissioner shall coordinate department programs
27 with employment training agencies and councils for
28 the purpose of developing, promoting and identifying
29 employment opportunities for special populations,
30 such as recipients of Aid to Families with Dependent
31 Children consistent with the policy and intent of Ti-
32 tle 22, chapter 1054.

33 8. Dependent care services. The commissioner
34 shall work with political subdivisions of the State,
35 businesses and public and private organizations to
36 make them aware of the significant need of the labor

1 force for dependent care services. The commissioner
2 shall encourage and assist businesses, political sub-
3 divisions and other organizations to develop depen-
4 dent care facilities and services that meet the needs
5 of the working population, particularly low-income
6 people. In implementing this subsection, the commis-
7 sioner shall, to the greatest extent possible, work
8 with state agencies and other public and private or-
9 ganizations to ensure the development and provision
10 of dependent care facilities and services.

11 A. The commissioner shall designate a person
12 within the department to be the person to assist
13 the commissioner with the provisions of this sub-
14 section.

15 9. Designate and certify local and regional or-
16 ganizations. The commissioner may designate and cer-
17 tify competent local and regional economic develop-
18 ment organizations to implement state programs and
19 services in whole or in part.

20 A. The commissioner may assist in forming re-
21 gional planning commissions and councils of gov-
22 ernments and may assist with financing the cost
23 of operation of the regional planning commissions
24 established under Title 30, chapter 204-A, sub-
25 chapter III, and councils of governments empow-
26 ered under Title 30, chapter 204-A, subchapter
27 II.

28 B. The commissioner shall adopt rules with re-
29 spect to standards and criteria for local and re-
30 gional agencies to be certified and evaluate lo-
31 cal and regional organizations in regard to the
32 implementation of these programs and services.

33 §13059. State agencies to cooperate

34 All state agencies and any other organizations
35 designated by the department to implement community
36 and economic development programs and policies shall
37 cooperate with and expeditiously respond to requests
38 of the department.

39

SUBCHAPTER II

1 BUSINESS DEVELOPMENT

2 §13061. Office established

3 The commissioner shall establish the Office of
4 Business Development. This office shall encourage
5 the initiation, expansion and location of businesses
6 in Maine which would expand quality employment oppor-
7 tunities for Maine citizens.

8 The Office of Business Development shall encour-
9 age business by removing barriers to growth, facili-
10 tating exploration of opportunities and providing as-
11 sistance necessary to enhance business consistent
12 with the State's economic development strategy.

13 §13062. Office of Business Development

14 The Deputy Commissioner for Business Development
15 shall be the Director of the Office of Business De-
16 velopment and shall administer the office in accord-
17 ance with the policies of the commissioner and the
18 provisions of this chapter, emphasizing a program of
19 targeted business development designed to attract
20 particular types of businesses which have potential
21 for Maine and businesses which are deemed to be com-
22 patible with Maine's environment and interests. The
23 office shall actively seek and encourage firms to ex-
24 pend or locate in Maine. The office shall be respon-
25 sible for the implementation of programs designed to
26 promote Maine products in national and international
27 markets and to develop markets for industry located
28 in Maine.

29 The Office of Business Development shall be re-
30 sponsible for the implementation of a program con-
31 sisting of 3 primary elements.

32 1. Business investment. Business investment
33 shall be encouraged consistent with this subsection.

34 A. The office shall conduct an analysis of the
35 various industrial sectors of the economy. The
36 types of businesses to be targeted for attraction
37 shall be ones which have potential for develop-
38 ment in Maine and which will contribute to a
39 healthy business and environmental climate.

1 B. The office shall report its findings and rec-
2 ommendations to the commissioner. The commis-
3 sioner, with the advice of the director shall de-
4 termine the type and extent of the business in-
5 vestment program to be implemented.

6 C. The director, with the approval of the com-
7 missioner, may make grants for market development
8 from appropriations for that purpose to any mu-
9 nicipality or group of municipalities which have
10 received a grant of authority from the Federal
11 Government to establish a foreign trade zone.

12 D. Application for foreign trade zones shall be
13 according to this paragraph.

14 (1) The director, with the approval of the
15 commissioner, on behalf of the State, may
16 make applications to the Foreign Trade Zone
17 Board and establish foreign trade zones that
18 are to be located on state-owned, leased or
19 otherwise controlled property. A municipal-
20 ity or group of municipalities may, with the
21 approval of the department, make applica-
22 tions to the Foreign Trade Zone Board and
23 establish foreign trade zones at other loca-
24 tions. Foreign trade zones shall be estab-
25 lished in or adjacent to any ports of entry
26 in the State, where personal property in
27 transit shall be exempt from the stock-
28 in-trade tax and such other taxes and cus-
29 oms as are normally levied in a port of en-
30 try.

31 (2) Any development or activity with a for-
32 ign trade zone established in the State is
33 subject to the laws which the Department of
34 Environmental Protection, Department of Con-
35 servation, Department of Marine Resources
36 and Department of Inland Fisheries and Wild-
37 life are responsible for administering, as
38 well as any other law which protects the en-
39 vironment.

40 (3) For the purpose of this subsection,
41 "personal property in transit" through the
42 areas established under this paragraph

1 means goods, wares and merchandise either
2 moving in interstate or international com-
3 merce through these zones or consigned to a
4 warehouse, public or private, within these
5 zones, whether specified when transportation
6 begins or afterward. This property shall
7 not be deprived of exemption because, while
8 in the warehouse, the property is assembled,
9 bound, joined, processed, disassembled, di-
10 vided, cut, broken in bulk, relabeled or
11 repackaged. The exemption granted shall be
12 liberally construed to effect the purposes
13 of this subsection. The warehouse in which
14 these goods, wares or merchandise are stored
15 shall not be owned, in whole or in part, by
16 either the consignee or consignor. This
17 paragraph does not apply to agricultural
18 products.

19 2. Business assistance. Business assistance ser-
20 vices shall be provided consistent with this subsec-
21 tion.

22 A. The office shall provide business assistance
23 services that are convenient to businesses
24 throughout the State. The office shall use cer-
25 tified local and regional economic development
26 organizations, educational institutions or certi-
27 fied private sector firms to implement this sub-
28 section.

29 (1) Business assistance services shall in-
30 clude managerial and technical assistance
31 and assistance with applications for loans
32 and the completion of applications for li-
33 censes and permits from regulatory agencies.

34 (2) The office, in conjunction with local
35 and regional organizations and other insti-
36 tutions and firms in the private sector with
37 marketing expertise, may conduct seminars on
38 marketing and marketing-related topics for
39 Maine businesses.

40 B. In accordance with section 13063, the office
41 shall implement a program to assist businesses by
42 referring businesses and persons to the proper

1 agencies designed to provide the business ser-
2 VICES or assistance requested, and to serve as a
3 central clearing house of information with re-
4 spect to business assistance programs and ser-
5 vices available in the State.

6 3. Industry-wide assistance and market develop-
7 ment. The director shall be responsible for a program
8 of industry-wide assistance and market development.

9 A. The director shall work with other state
10 agencies which implement marketing programs and
11 strive to coordinate the marketing activities of
12 the department with those of other agencies when-
13 ever possible.

14 B. The director shall be responsible, to the
15 maximum extent possible, for providing assistance
16 to industry sectors and business to identify mar-
17 ket opportunities, develop market strategies and
18 to promote industry-wide development.

19 ARTICLE II

20 §13063. Business Assistance Referral and
21 Facilitation Program

22 The director shall be responsible for the imple-
23 mentation of the Business Assistance Referral and
24 Facilitation Program.

25 1. Referral and central clearinghouse service.
26 The director shall maintain and update annually a
27 list of the business assistance programs and services
28 and the names, locations and telephone numbers of the
29 organizations providing these programs and services
30 that are available within the State. The director
31 may publish a guide consisting of the business as-
32 sistance programs and services available from public
33 or private sector organizations throughout the State.
34 This program shall be designed to:

35 A. Respond to written and oral requests for in-
36 formation about business services and assistance
37 programs available throughout the State;

1 B. Obtain and compile the most current and
2 available information pertaining to business as-
3 sistance programs and services within the State;

4 C. Delineate the business assistance programs
5 and services by type of program or service and by
6 agency; and

7 D. Maintain a list, to be updated annually, of
8 marketing programs of state agencies with a de-
9 scription of each program.

10 2. Business facilitation service. The director
11 shall implement a business facilitation service which
12 shall be designed to:

13 A. Resolve problems encountered by business per-
14 sons with other state agencies and with certified
15 regional and local economic development organiza-
16 tions;

17 B. Coordinate programs and services for business
18 among agencies and all levels of government;

19 C. Facilitate responsiveness of State Government
20 to small business needs; and

21 D. Report to the commissioner any breakdowns in
22 the economic delivery system, including problems
23 encountered by businesses dealing with state
24 agencies.

25 SUBCHAPTER III

26 COMMUNITY DEVELOPMENT

27 ARTICLE 1

28 GENERAL PROVISIONS

29 §13071. Findings

30 The Legislature finds that the strength of the
31 State's economy is based on the strength of the local
32 economies of municipalities and their ability to ad-
33 just to the dramatic changes in the national and in-
34 ternational economies. The Legislature also recog-

1 nizes the need for the coordination of state, region-
2 al and local efforts and resources to produce solid
3 economic growth and development for the State.

4 Economic growth and development is not limited
5 exclusively to the generation of new businesses and
6 business expansions. It requires sufficient housing
7 and infrastructure facilities, planning and availa-
8 bility of an educated and well-trained labor force
9 which are necessary to the prosperity of municipali-
10 ties.

11 It is necessary to coordinate the development and
12 delivery of community programs. By coordinating and
13 focusing various community development programs, the
14 impact of these programs can be far more effective.
15 The existence of a central community development
16 agency can improve and facilitate communication and
17 assistance between the State and its municipalities.

18 By working together, coordinating resources and
19 developing policies which are mutually consistent and
20 consistent with an overall state strategy, the State
21 and its municipalities can realize their potential
22 and prosperity in the future.

23 §13072. Office of Community Development

24 The Office of Community Development shall assist
25 municipalities in planning for and achieving economic
26 growth and development while, at the same time, pre-
27 serving and protecting their resources and assets.
28 To achieve this purpose, the department, through the
29 office, shall strive to remove barriers to balanced
30 growth and provide planning, technical and financial
31 resources to the municipalities.

32 The Deputy Commissioner for Community Development
33 shall be the Director of the Office of Community De-
34 velopment and shall administer the office in accord-
35 ance with the policies of the commissioner and the
36 provisions of this chapter. The director shall have
37 the following powers and duties.

38 1. Establish communication network. The direc-
39 tor shall establish a communication network by which
40 information, resources and assistance are transferred
41 between State Government and the municipalities.

1 A. The director shall work with municipalities
2 and regional community and economic development
3 organizations. The director shall work closely
4 with persons or organizations representing munic-
5 ipalities and with regional community and econom-
6 ic development organizations to address the de-
7 velopment needs, problems and opportunities of
8 municipalities and regions.

9 2. Designate local and regional community and
10 economic development organizations. The director
11 shall monitor the activities of designated public and
12 private, local and regional community and economic
13 development organizations. In order to receive fi-
14 nanacial assistance and resources from the department,
15 an agency must demonstrate the effective administra-
16 tion of programs and services and the effectiveness
17 of these programs.

18 3. Development grants. The director, with the
19 approval of the commissioner, may provide grants to
20 municipalities and regional development organizations
21 for the purpose of creating economic and community
22 development strategies and policies.

23 4. Provide information. The director shall pro-
24 vide municipalities with information about the de-
25 partment's programs and services and shall refer mu-
26 nicipalities to the offices and programs within the
27 State that can best assist them.

28 5. Work with state agencies. The director shall
29 work with other state agencies that administer pro-
30 grams and services used by municipalities. The di-
31 rector shall strive to coordinate department programs
32 and services with the programs and services of these
33 agencies.

34 6. Administer Community Industrial Buildings
35 Program. The director shall administer the Community
36 Industrial Buildings Fund as set out in article II.

37 7. Oversee community planning and development
38 resources and programs. The director shall oversee
39 the implementation of community development programs
40 to include at a minimum:

1 A. The Community Development Block Grant Pro-
2 gram;

3 B. A local grants program of coastal zone man-
4 agement; and

5 C. A regional planning grants program.

6 8. Provide technical assistance. The director
7 shall oversee delivery of technical assistance and
8 resources to municipalities and regional community
9 and economic development organizations for the pur-
10 pose of developing local plans and regulations in
11 compliance with state mandates for land use planning
12 and development and encouraging economic growth while
13 maintaining the quality of life.

14 9. Provide technical assistance and resources
15 for local parks and recreation development. The di-
16 rector shall oversee delivery of technical assistance
17 and resources to municipalities for the purpose of
18 enhancing and expanding parks, open spaces and recre-
19 ational opportunities as a part of comprehensive com-
20 munity development.

21 §13073. Community Development Block Grant Program

22 The director shall implement the Community Devel-
23 opment Block Grant Program pursuant to the United
24 States Housing and Community Development Act of 1974,
25 Title 1, and its subsequent amendments. For purposes
26 of this section, "program" means the Community Devel-
27 opment Block Grant Program and "fund" means the Com-
28 munity Development Revolving Loan Fund.

29 1. Revolving loan fund. The Community Develop-
30 ment Block Grant Program shall include the Community
31 Development Revolving Loan Fund which shall be a non-
32 lapsing revolving fund.

33 2. Repayments to fund. To this fund shall be
34 credited all repayments of grants made to municipali-
35 ties that elect not to retain those funds under the
36 fund part of the program, including interest, penal-
37 ties and other fees and charges related to fund
38 grants.

1 3. Investment of fund money. Money in the fund
2 not needed to meet the current obligations of the
3 program shall be deposited with the Treasurer of
4 State to the credit of the fund and may be invested
5 in such manner as is provided by law. Interest re-
6 ceived on that investment shall be credited to the
7 fund.

8 4. Legislative allocation of fund required. The
9 Department of Economic and Community Development
10 shall submit to the Legislature, through the budget
11 process as required by chapter 149, its recommenda-
12 tions for disbursement from the fund.

13 5. Expenditures from fund. Upon approval of the
14 allocation by the Legislature and approval of the al-
15 lotment by the Governor, the State Controller shall
16 authorize expenditures from the fund as approved by
17 the department for the following purposes:

18 A. Administrative expenses related to the fund;

19 B. Grants to cities and towns under the fund;
20 and

21 C. Grants related to the fund and to other pub-
22 lic and private organizations.

23 §13074. Local grants program

24 The Director of the Office of Community Develop-
25 ment shall administer a local grants program of
26 coastal zone management and a regional planning com-
27 mission grants program established under Title 30,
28 chapter 204-A, subchapter III, and of councils of
29 governments empowered under Title 30, chapter 204-A,
30 subchapter II.

31 ARTICLE II

32 COMMUNITY INDUSTRIAL BUILDING AUTHORITY

33 §13081. Definitions

34 As used in this article, unless the context oth-
35 erwise indicates, the following terms have the fol-
36 lowing meanings.

1 1. Carrying costs. "Carrying costs" means rea-
2 sonable costs incurred for the maintenance, protec-
3 tion and security of a community industrial building
4 prior to occupancy, including, but not limited to,
5 insurance, taxes and interest.

6 2. Community industrial building. "Community
7 industrial building" means a building of flexible de-
8 sign which construction or carrying costs, or both,
9 are financed through this subchapter for the purpose
10 of creating new jobs in a municipality resulting from
11 the sale or lease of the building.

12 3. Industrial park. "Industrial park" means an
13 area of land that is planned and designed for one or
14 more industrial buildings.

15 4. Lease. "Lease" means a contract providing
16 for the use of a project or portions of a project for
17 a term of years for a designated or determinable
18 rent. A lease may include an installment sales con-
19 tract.

20 5. Lessee. "Lessee" means a tenant under lease
21 and may include an installment purchaser.

22 6. Local development corporation. "Local devel-
23 opment corporation" means any nonprofit organization
24 created by a municipality; incorporated under Title
25 13, chapter 81; incorporated under Title 13-B or oth-
26 erwise chartered by the State; and designed to fos-
27 ter, encourage and assist the settlement or
28 resettlement of industrial, manufacturing, fishing,
29 agricultural, recreational and other business enter-
30 prises within the State. A majority vote of the mu-
31 nicipal officers is sufficient to form a local devel-
32 opment corporation, notwithstanding Title 13, chapter
33 81.

34 7. Municipality. "Municipality" means any coun-
35 ty, city or town in the State.

36 8. Rural area. "Rural area" means any area that
37 is not an urban area.

38 9. Urban area. "Urban area" means any munici-
39 pality with a population greater than 10,000 persons.

1 §13082. Community Industrial Buildings Fund

2 1. Creation. The Community Industrial Buildings
3 Fund is created as a nonlapsing revolving fund to be
4 used by the department only for the purposes of this
5 article. There is created within the fund separate
6 accounts for rural and urban areas, called the "rural
7 account" or "urban account", which shall be separate-
8 ly charged and credited, as provided under this sec-
9 tion, according to the location of each community in-
10 dustrial building in a rural or urban area.

11 2. Items charged or credited. Operating ex-
12 penditures of the department incurred under this article
13 shall be charged to the fund and all payments re-
14 quired by this article shall be credited to it. All
15 department expenses that arise out of assistance to
16 local development corporations under this article
17 shall be charged solely against the proceeds of the
18 sale or rental of community industrial buildings or
19 all or part of an industrial park assisted under this
20 article.

21 3. Deposited funds. Money in the fund not cur-
22 rently needed to meet the obligations of the depart-
23 ment under this article shall be deposited with the
24 Treasurer of State to the credit of the fund with all
25 interest earned by the deposit credited to the fund.

26 4. Successor to fund. The department shall be
27 the successor to the State Development Office for the
28 purposes of this article. All properties, rights in
29 land, buildings and equipment and any funds, money,
30 revenues and receipts or assets of the State Develop-
31 ment Office as they apply to the Community Industrial
32 Buildings Fund, including funds previously appropri-
33 ated by the State for the Community Industrial Build-
34 ings Fund, shall belong to the department as succes-
35 sor to the State Development Office. All liabilities
36 of the State Development Office with respect to the
37 Community Industrial Buildings Fund shall become lia-
38 abilities of the department. Any action taken by the
39 State Development Office with respect to assisting a
40 local development corporation to create community in-
41 dustrial buildings shall be an action taken by the
42 Department of Economic and Community Development.

1 §13083. Assistance to development corporations

2 The department may assist a local development
3 corporation to construct a community industrial
4 building by loaning it money, for construction or
5 carrying costs, or both, for the project, subject to
6 subsection 1.

7 1. Project. The following conditions apply to
8 the project.

9 A. The project shall be within the scope of this
10 article, shall be of public use and benefit and
11 shall reasonably be expected to create new em-
12 ployment opportunities.

13 B. Within the separate rural and urban accounts,
14 preference shall be given to projects in economi-
15 cally deprived areas within labor market dis-
16 tricts declared to be in need of economic devel-
17 opment assistance by the Department of Labor.

18 C. Not more than one unoccupied community indus-
19 trial building project may be financed in a labor
20 market area at any one time.

21 2. Local development corporation. The local de-
22 velopment corporation shall comply with the follow-
23 ing.

24 A. The local development corporation shall own,
25 or hold on long-term lease, the site for the
26 project.

27 B. The local development corporation, in the
28 opinion of the department, shall be responsible
29 for and shall present evidence of its ability to
30 carry out the project as planned.

31 C. The site owned or leased by the local devel-
32 opment corporation shall not be less than 4 times
33 the size of the community industrial building.

34 D. The local development corporation shall pro-
35 vide and maintain, with funds other than those
36 provided by the department, an adequate access
37 road from a public highway to the proposed site

1 and provide and maintain water, sewer and power
2 facilities. The local development corporation
3 shall be responsible for plowing out the plant
4 site at all times and for landscaping the build-
5 ing in an attractive fashion until the building
6 is occupied by an industrial tenant.

7 E. The local development corporation's project
8 plans shall comply with applicable zoning, plan-
9 ning and sanitary regulations in the municipality
10 where it is to be located. No loan may be ap-
11 proved and no certificate of approval for the
12 project or for any subsequent enlargement or ad-
13 dition to the project may be issued until the De-
14 partment of Environmental Protection has certi-
15 fied to the department that all licenses required
16 from the department have been issued or that none
17 are required.

18 F. The local development corporation shall make
19 adequate provisions for insurance and fire pro-
20 tection and maintenance of the building while it
21 is unoccupied.

22 3. Loan terms. Terms for a loan are as follows.

23 A. The department may prescribe the terms and
24 conditions of the loan.

25 B. Loans shall be repaid in full, including in-
26 terest and other charges, within 90 days after
27 the building is occupied.

28 C. The building financed by a department loan
29 may not be sold or leased without the express ap-
30 proval of the purchaser or lessee by the depart-
31 ment. If the local development corporation and
32 the department agree that a community industrial
33 building is unlikely to be sold in the near fu-
34 ture despite a marketing effort, the department
35 may permit an interim lease upon terms it deems
36 appropriate for the protection of the fund. Oc-
37 cupation of the premises under an interim lease
38 shall not require payment in full of the entire
39 loan within 90 days, as provided in paragraph B.

1 4. Promotion and development. The department
2 shall undertake promotional and publicity activities
3 on behalf of community industrial buildings to prop-
4 erly market them to prospective purchasers or ten-
5 ants. The department shall maintain a constant and
6 continual effort to secure suitable tenants or pur-
7 chasers for these buildings and shall prepare neces-
8 sary advertising and promotional materials.

9 5. Taxes. While the community industrial build-
10 ing remains unoccupied and a first mortgage is held
11 by the department, it is declared to be property held
12 for a legitimate public use and benefit and shall be
13 exempt from all taxes and special assessments of the
14 State or any of its political subdivisions. This
15 section does not apply to any community industrial
16 building which construction is not financed under
17 this article.

18 6. Municipality. A municipality may raise or
19 appropriate money supporting and guaranteeing the ob-
20 ligation of a chamber of commerce, board of trade or
21 local development corporation for the purpose of con-
22 structing a community industrial building subject to
23 the provisions of this article.

24 SUBCHAPTER IV

25 TOURISM

26 §13091. Findings

27 Economic and community development in the State
28 is dependent upon the diversity of job opportunities
29 within various sectors of the overall economy. One of
30 the key elements in the health of the State's economy
31 is the tourism and travel industry which is responsi-
32 ble for thousands of jobs and millions of dollars of
33 annual revenues. The maintenance and expansion of
34 tourism as a major component in the State's economic
35 development depends upon the active program of local
36 development coupled with promotion by the State.

37 §13092. Office of Tourism

38 The Office of Tourism is established to carry out
39 the purposes of this subchapter. The Deputy Commis-

1 sioner for Tourism shall be the Director of the Of-
2 ice of Tourism and shall be directly responsible to
3 the commissioner.

4 The Office of Tourism shall include the Maine
5 Tourism Commission and the Maine State Film Commis-
6 sion.

7 The office shall:

8 1. Advertising and promotion programs. Imple-
9 ment advertising and promotion programs to market the
10 State's travel industry and to attract in-state
11 on-location filming of movies, advertisements and
12 videos in the State;

13 2. Booklets, brochures, pamphlets. Print, or
14 cause to have printed, alone or in cooperation with
15 other travel promotion agencies and groups, booklets,
16 brochures, pamphlets and other materials as required
17 to fulfill requests for information on the State's
18 travel products and the State's facilities, sites and
19 services for the filming of movies and videos in the
20 State;

21 3. Travel product facilities and activities.
22 Encourage the development of travel product facili-
23 ties and activities by locating potential developers,
24 providing market and feasibility analysis, assisting
25 developers in complying with public rules and laws
26 and providing technical assistance to local decision
27 making, including site selection, financing and util-
28 ities;

29 4. Review and comment on state policies. Review
30 and comment upon the policies and programs of state
31 agencies which directly affect the achievement of the
32 duties and responsibilities of the office;

33 5. Support; matching grants. Provide basic sup-
34 port and discretionary matching grants to local, re-
35 gional and statewide nonprofit agencies which direct-
36 ly affect the achievement of the duties and responsi-
37 bilities of the office;

38 6. Staff information center. Staff or cause to
39 be staffed any information center constructed, owned,
40 leased, acquired or operated by the State;

1 7. Technical or professional consultants. Em-
2 ploy or engage such outside technical or professional
3 consultants or organizations as may be necessary or
4 appropriate to assist the office in carrying out its
5 functions;

6 8. Fees; funding. Accept such fees as the di-
7 rector may designate for the preparation and distri-
8 bution of books, booklets, brochures, pamphlets,
9 films, photos, maps, exhibits, mailing lists and all
10 like materials and media advertising. There is es-
11 tablished within the office a revolving fund for the
12 use of the office to help offset the preparation and
13 distribution costs of these materials. The office
14 shall retain, without charge, an appropriate number
15 of each publication for complimentary distribution.
16 Income from the sale of publications and other mate-
17 rials that were charged to the revolving fund shall
18 be credited to the revolving fund to be used as a
19 continuing carrying account to carry out the purposes
20 of the revolving fund;

21 9. Rules. Subject to the approval of the com-
22 missioner, adopt, amend and repeal rules to carry out
23 the purposes of this section; and

24 10. Other activities. Undertake such other ac-
25 tivities as the commissioner considers appropriate
26 and necessary to ensure the successful implementation
27 of this section.

28 §13093. Maine Tourism Commission

29 1. Maine Tourism Commission. The Maine Tourism
30 Commission, established by Title 5, section 12004,
31 shall assist, advise and recommend the operation of
32 the Office of Tourism. It shall consist of 9 members
33 of major tourism trade associations and 8 public mem-
34 bers who shall represent their respective regions and
35 who are experienced in the field or who have demon-
36 strated a concern for the travel industry. The terms
37 of the members shall be for 4 years each; except
38 that, for the members first appointed, 4 members
39 shall be appointed for terms of 4 years, 4 members
40 for terms of 3 years, 4 members for terms of 2 years
41 and 5 members for terms of one year. The members
42 shall be appointed by the Governor, who shall fill

1 any vacancy in the membership for the unexpired term.
2 The commissioner, director or his designee of the
3 following state departments or offices shall serve as
4 ex officio, nonvoting members of the commission: De-
5 partment of Economic and Community Development; State
6 Planning Office; Department of Conservation; Depart-
7 ment of Transportation; Department of Inland Fisher-
8 ies and Wildlife; Department of Agriculture, Food and
9 Rural Resources; Department of Educational and Cul-
10 tural Services; Bureau of Public Improvements; and
11 Canadian Affairs Coordinator. A chairman and vice-
12 chairman shall be elected annually from the appointed
13 membership.

14 2. Powers and duties. The commission shall:

15 A. Recommend rules for the implementation of
16 section 13094 and make recommendations on the
17 award of matching funds to the commissioner and
18 the Director of the Office of Tourism;

19 B. Recommend policy guidelines on marketing,
20 promotion and advertising strategies to the Of-
21 ice of Tourism;

22 C. Conduct public hearings as necessary to ob-
23 tain input concerning tourism policy development
24 from a broad cross section of travel interests;

25 D. Assist the Office of Tourism in providing
26 technical assistance to the travel industry and
27 in planning and conducting periodic tourism con-
28 ferences;

29 E. Prepare a report for annual submission to the
30 Governor and the Legislature relative to the pro-
31 grams, policies and accomplishments of the Maine
32 Tourism Commission; and

33 F. Assist the Office of Tourism in such other
34 areas as the commissioner considers appropriate
35 and necessary to ensure the successful implemen-
36 tation of this section.

37 3. Compensation. Commission members shall be
38 compensated as provided by chapter 379.

1 §13094. Travel Promotion Matching Fund Program

2 1. Statement of purpose. The Travel Promotion
3 Matching Fund Program is established to serve the
4 following purposes:

5 A. To allow the State to provide part of the
6 funds necessary for public and private, nonprofit
7 travel promotional organizations to conduct pro-
8 motional programs; and

9 B. To strengthen the State's image by coordinat-
10 ing the promotional efforts of the private sector
11 and the Office of Tourism.

12 2. Eligible organization. Matching funds shall
13 be made available to those nonprofit travel promo-
14 tional organizations which best meet the purposes of
15 this section. No such organization may disburse
16 state matching funds to a private, for-profit busi-
17 ness for the purpose of promoting its goods, ser-
18 vices, functions or activities.

19 3. Limitations. It is not the intent of this
20 section to reduce any organizations's financial par-
21 ticipation in any ongoing project, but rather to in-
22 crease or develop new programs. The grant program
23 shall be geared to specific promotional efforts and
24 costs and is not intended to match any administrative
25 costs, including any form of personal services.

26 4. Administration. The Office of Tourism shall
27 administer the Travel Promotion Matching Fund Program
28 with such flexibility as to bring about the most ef-
29 fective and economical travel promotion program pos-
30 sible. Applications from all regions of the State
31 shall be equally considered. The Maine
32 Vacation-travel Commission shall recommend rules and
33 procedures necessary and appropriate to the proper
34 operation of the Travel Promotion Matching Fund Pro-
35 gram. These rules shall establish eligibility re-
36 quirements, allocation formulas, application proce-
37 dures and criteria subject to the final approval of
38 the commissioner. The commission shall establish a
39 schedule for review of grant applications and make
40 timely recommendations of grant awards to the Office
41 of Tourism. Grants recommended by the commission to

1 the office must be approved by the Director of the
2 Office of Tourism prior to any disbursement of funds.

3 5. Bookkeeping systems. The department and all
4 tourist promotional organizations qualifying for
5 matching funds under this section shall keep accurate
6 records of any applications, transactions, payment
7 receipts and correspondence relating to the implemen-
8 tation of the Travel Promotion Matching Fund Program.

9 A. The department shall establish a standard ac-
10 counting procedure to be used by any organization
11 receiving money under this section.

12 B. The records of any organization pertaining to
13 accounts and contracts funded with money under
14 this section shall be open to audit by the State
15 or by any firm employed by the State to audit
16 these records.

17 No additional matching funds may be awarded to an or-
18 ganization until the provisions of this subsection
19 have been met.

20 §13095. Maine State Film Commission

21 1. Maine State Film Commission established. The
22 Maine State Film Commission, as established by sec-
23 tion 12004, shall be within the office of Tourism and
24 shall advise and assist the office as necessary. The
25 commission shall advise the commissioner and the di-
26 rector with respect to the operation of the Maine
27 State Film Commission program.

28 A. The commission shall consist of 11 members
29 appointed by the Governor.

30 (1) The members appointed shall be involved
31 in a related business field or possess expe-
32 rience or familiarity with media marketing
33 or public relations. The Governor shall en-
34 sure an equitable regional representation
35 from the State.

36 (2) The Executive Director of the Maine
37 Arts Commission and the commissioner of the
38 department shall serve as ex officio nonvot-
39 ing members of the board.

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B. The terms of office shall be as follows.

(1) All members shall be appointed for 3-year terms. Of those first appointed, 3 shall be appointed for 3-year terms, 4 shall be appointed for 2-year terms and 4 shall be appointed for one-year terms. The Governor shall designate the terms of office of those first appointed at the time of appointment.

(2) Members shall serve until their successors are appointed and take office. The Governor may terminate the membership of any appointee for just cause and the reason for the termination shall be communicated in writing to each member whose term is so terminated.

(3) Vacancies shall be filled in the same manner as original appointments, except that any person appointed to fill a vacancy shall serve only for the unexpired term of the vacancy.

C. The chairman and vice-chairman shall be appointed by the Governor annually at the first meeting of the board and shall serve for one-year terms.

(1) The chairman shall call meetings of the board.

D. Members shall be compensated for expenses only in accordance with chapter 379.

§13096. Powers and duties

The commission shall have the following powers and duties:

1. Recommend rules. Recommend rules for the implementation of the provisions relating to the promotion of filming activities in the State;

2. Advise and assist the directors. Advise and assist the Director of the Maine State Film Commission and the Director of the Office of Tourism with

1 respect to this section and sections 13097 and 13098;

2 3. Raise and accept funds. Raise and accept
3 funds from public and private sources to be used to
4 promote filming activities in the State; and

5 4. Promote Maine for filming activities. Promote
6 Maine to attract in-state on-location filming of
7 movies, advertisements and videos in the State.

8 §13097. Director of the Maine State Film Commission

9 The commissioner shall appoint a full-time direc-
10 tor who shall serve at the pleasure of the commis-
11 sioner. The director shall be responsible for under-
12 taking a program of film promotion and implementing
13 the recommendations and policies of the commissioner.

14 SUBCHAPTER V

15 DEVELOPMENT POLICY

16 §13101. Division of Development Policy; established

17 1. Created. The commissioner may create a Divi-
18 sion of Development Policy within the department.

19 2. Economic and community development. The di-
20 vision shall ensure that economic and community de-
21 velopment will be grounded in thorough, accurate and
22 timely economic information coupled with careful
23 analysis in order to make the maximum use of the lim-
24 ited resources available for development activities.

25 3. Required knowledge. Members of the division
26 shall have knowledge of economic trends, business ac-
27 tivities within the State, patterns within the labor
28 market, natural resource availability,
29 infrastructure, buildings and sites for development
30 and activities in major financial markets. Such
31 knowledge is required to make intelligent assessments
32 to target resources and assist businesses.

33 4. Informed program and policy choices. The di-
34 vision shall use all available information to make
35 informed program and policy choices, as well as to
36 provide the best possible information to businesses

1 considering investment decisions in this State. In
2 addition, by the constant evaluation of program
3 initiatives on the state, regional and local levels,
4 the division shall enhance the delivery of services
5 and the use of limited resources.

6 5. Ability to develop demonstration program
7 initiatives. The division shall maintain the ability
8 to develop demonstration program initiatives in re-
9 sponse to a careful analysis of these changing eco-
10 nomical conditions which is a necessary element to com-
11 plement evaluation and research activities.

12 §13102. Division of Development Policy; duties

13 The Division of Development Policy shall provide
14 the necessary support to the department in the areas
15 of information collection, data compilation and anal-
16 ysis for community and economic development. The As-
17 sociate Commissioner for Development Policy shall
18 serve as the Director of the Division of Development
19 Policy and shall administer the division in accord-
20 ance with the policies of the commissioner and provi-
21 sions of this subchapter. The Division of Develop-
22 ment Policy shall:

23 1. Maintain community and economic development
24 data. Collect, from sources in both the public and
25 private sectors, information regarding the economy,
26 businesses, labor force, building, business sites,
27 infrastructure, natural resources and other elements
28 which are necessary to market and program decisions;

29 2. Provide information. Provide information, as
30 requested, to business clients, local and regional
31 community and economic development organizations and
32 other state agencies regarding economic and business
33 conditions;

34 3. Conduct evaluations. Conduct periodic evalu-
35 ations of the department's community and economic de-
36 velopment programs to ascertain their effectiveness
37 in meeting the articulated goals of those programs;

38 4. Develop programs. Develop demonstration pro-
39 grams and program concepts in response to economic
40 conditions and the evaluation of existing program ac-
41 tivities; and

1 5. Cooperate with State Planning Office. Provide
2 information and cooperate with the State Plan-
3 ning Office in its macroeconomic forecasting activi-
4 ties which shall remain the responsibility of the
5 State Planning Office.

6 **Sec. 18. Transition.** The provisions of this sec-
7 tion shall govern the transition.

8 1. Funds transferred. Notwithstanding the Maine
9 Revised States, Title 5, sections 1585 and 1586, all
10 accrued expenditures, assets, liabilities, balances,
11 appropriations or allocations, transfers, revenues or
12 other available funds in any account or subdivision
13 of an account of any unit of State Government, in-
14 cluding any department, bureau, division, program or
15 other subunit of a state agency, affected by this Act
16 shall remain with that unit following transfer to an-
17 other department.

18 2. Transfer of employee benefits. Any employees
19 of any unit of State Government, including depart-
20 ment, office, bureau, division, section, program or
21 any portion thereof, who may be transferred to the
22 Department of Economic and Community Development
23 shall be transferred with their accrued rights and
24 benefits. The accrued fringe benefits, including va-
25 cation and sick leave, health and life insurance, and
26 retirement of those personnel shall remain with those
27 personnel.

28 3. Rules and procedures. All rules and proce-
29 dures currently in effect and in operation pertaining
30 to any unit or program and which are in compliance
31 with this Act shall remain in effect until rescinded
32 or amended as provided by state law.

33 4. Contracts and agreements. All contracts and
34 agreements currently in effect with respect to any
35 unit or program of State Government affected by this
36 Act shall remain in effect until rescinded, termi-
37 nated or modified as provided by state law.

38 5. Equipment and property transferred. All
39 equipment and property of the State used by employees
40 and officials of any unit of State Government af-
41 fected by this Act shall remain with that unit upon
42 transfer to another department.

1 6. Organization and operation. Notwithstanding
2 any other provision of law, any appointment required
3 by this Act and preparation work may be made or may
4 occur prior to the appropriate effective date of this
5 Act, but shall not become binding until the appropriate
6 effective date.

7 7. Community Development Block Grant Program.
8 Following the transfer of the Community Development
9 Block Grant Program from the State Planning Office to
10 the Department of Economic and Community Development,
11 the design of the Community Development Block Grant
12 Program shall involve the participation of local of-
13 ficials, the Legislature, regional councils and hous-
14 ing, economic development, low income and community
15 interests.

16 8. Financial Order required. The Director of the
17 State Planning Office, the Director of the State De-
18 velopment Office and the Commissioner of Conservation
19 shall jointly request, by Financial Order through the
20 State Budget Office, the Governor's approval of the
21 funds, positions, equipment and property to be trans-
22 ferred.

23 **Sec. 19. Appropriation.** The following funds are
24 appropriated from the General Fund to carry out the
25 purposes of this Act.

26		<u>1987-88</u>	<u>1988-89</u>
27	<u>ECONOMIC AND COMMUNITY</u>		
28	<u>DEVELOPMENT, DEPARTMENT OF</u>		
29	Office of Tourism		
30	Positions	(1.0)	(1.0)
31	Personal Services	\$23,000	\$30,000
32	All Other	10,000	10,000
33	Provides funds		
34	to create the		
35	Maine State Film		
36	Commission with-		
37	in the Office of		
38	Tourism.		

1			
2	Total	<u>\$33,000</u>	<u>\$40,000</u>
3	Office for Community		
4	Development		
5	Positions	(1.0)	(1.0)
6	Personal Services	\$33,000	\$44,000
7	Provides funds		
8	for a new posi-		
9	tion to direct		
10	development re-		
11	sources and com-		
12	munity planning		
13	function.		
14			
15	Total	<u>\$33,000</u>	<u>\$44,000</u>
16	DEPARTMENT OF ECONOMIC AND		
17	COMMUNITY DEVELOPMENT		
18	TOTAL	<u>\$66,000</u>	<u>\$84,000</u>
19	<u>EXECUTIVE DEPARTMENT</u>		
20	State Planning Office		
21	Positions	(2.0)	(2.0)
22	Personal Services	\$39,500	\$53,500
23	All Other	15,000	26,000
24	Capital Expenditures	6,000	500
25	Provides funds		
26	to implement a		
27	program to col-		
28	lect and analyze		
29	social and eco-		
30	nomic data re-		
31	lated to poverty		
32	in the State.		
33			
34	Total	<u>\$60,500</u>	<u>\$80,000</u>
35	Sec. 20. Effective date. This Part shall take		
36	effect on October 1, 1987.		

PART B

1
2 **Sec. 1. 7 MRSA §403, sub-§2**, as enacted by PL
3 1981, c. 335, §1, is amended to read:

4 2. Advice. From time to time, the department
5 shall consult regarding operation and maintenance of
6 the building with, and for any major exhibition shall
7 prior to the exhibition develop a plan after a public
8 hearing and obtain advice on the proposed use of
9 building space from, the following persons: The Com-
10 missioner of Marine Resources; Commissioner of Inland
11 Fisheries and Wildlife; Commissioner of Conservation;
12 and ~~Director-of-the-State-Development-Office~~ Commis-
13 sioner of Economic and Community Development.

14 **Sec. 2. 7 MRSA §972**, as amended by PL 1985, c.
15 779, §35, is further amended to read:

16 §972. Potato Marketing Improvement Committee

17 The commissioner shall appoint an advisory com-
18 mittee, as authorized by Title 5, section 12004, sub-
19 section 9, of 8 members to be known as the Potato
20 Marketing Improvement Committee. The Potato Marketing
21 Improvement Committee shall advise the commissioner
22 on the development and implementation of improved po-
23 tato marketing systems, including the modernization,
24 construction and operation of storage and central
25 packing facilities. The Potato Marketing Improvement
26 Committee shall also advise the commissioner concern-
27 ing the funding and expenditures of the Potato Mar-
28 keting Improvement Fund created pursuant to section
29 973. The Potato Marketing Improvement Committee shall
30 include one member representing the University of
31 Maine System, one member representing the Maine Pota-
32 to Council, one member representing the Maine Potato
33 Commission, one member representing the Maine Potato
34 Sales Association, one member representing the Far-
35 mers Home Administration, one member representing the
36 Farm Credit Service, one member representing the
37 ~~State--Development--Office~~ Department of Economic and
38 Community Development and one member representing the
39 public. Where the commissioner finds it appropriate,
40 the members representing the Farmers Home Administra-
41 tion and the Farm Credit Service may serve as a loan
42 review committee and advise him, on a confidential
43 basis, on applications for funding.

1 Sec. 3. 10 MRSA §917, as amended by PL 1985, c.
2 161, §1, is repealed.

3 Sec. 4. 10 MRSA §917-A is enacted to read:

4 §917-A. Purpose

5 The Maine Development Foundation shall foster,
6 assist and participate in efforts for economic growth
7 and revitalization, in coordination with existing
8 state, regional and local agencies, such efforts to
9 include, but not be limited to, providing for or
10 stimulating the following provisions.

11 1. Public, private partnerships. The Maine De-
12 velopment Foundation shall strive to:

13 A. Bridge the gap in knowledge and communica-
14 tions between the public and private sectors;

15 B. Build the leadership capacity of public and
16 private sector persons and the institutional ca-
17 capacity of agencies to accomplish economic devel-
18 opment; and

19 C. Expand the traditional business and govern-
20 ment partnership to include other significant
21 sectors of the economy.

22 2. Economic analysis. The Maine Development
23 Foundation may:

24 A. Develop and propose new ideas and recommend
25 changes to State Government and others for the
26 growth and development of the State's economy,
27 including development strategies and economic de-
28 velopment programs to best meet the economic
29 needs, problems and conditions of the State;

30 B. Analyze opportunities to improve the market-
31 ing of Maine products and the development of new
32 markets, especially foreign; and

33 C. Analyze opportunities to promote business in-
34 vestment in the State.

1 3. Economic education. The Maine Development
2 Foundation may provide Legislators, officials of
3 State Government, business people, municipal offi-
4 cial, development professionals and others with an
5 educational program on the Maine economy, including
6 training, information and experiential learning on
7 the Maine economy, business investment, government
8 operations and the relationship between public policy
9 decisions and business investment, with the goal of
10 strengthening public and private partnership to ac-
11 complish economic development.

12 4. Economic opportunities. The Maine Develop-
13 ment Foundation may:

14 A. Identify and develop specific economic oppor-
15 tunities in the State; and

16 B. Design, coordinate and implement, when neces-
17 sary, development projects of a statewide or
18 broad regional significance.

19 5. Good climate for economic development. The
20 Maine Development Foundation shall strive to promote
21 an improved climate for economic development in the
22 State through judicious use of the public and private
23 nature of the foundation to provide objective analy-
24 sis and develop broad consensus on issues of signifi-
25 cance to the economic health of the State, provided
26 that the promotion does not require the foundation to
27 register as a lobbyist employer pursuant to Title 3,
28 chapter 15, and further provided that the foundation
29 does not advocate to the general public a position on
30 a question as defined in Title 21-A, section 1, sub-
31 section 35.

32 **Sec. 5. 10** MRSA §962, as amended by PL 1985, c.
33 714, §5, is further amended by adding after the first
34 paragraph a new paragraph to read:

35 In order to fulfill these purposes and to make
36 the best use of the State's limited resources, the
37 Finance Authority of Maine shall consider the state
38 economic development strategy and the policies and
39 activities of the Department of Economic and Communi-
40 ty Development in implementing its powers, duties and
41 responsibilities.

1 Sec. 6. 10 MRSA §964, sub-§3 is enacted to
2 read:

3 3. Consistency of policies and programs. The
4 Finance Authority of Maine shall implement its pow-
5 ers, duties, responsibilities and programs consistent
6 with the state economic development strategy and the
7 policies and activities of the Department of Economic
8 and Community Development.

9 Sec. 7. 10 MRSA §965, sub-§4, ¶A, as enacted by
10 PL 1983, c. 519, §6, is amended to read:

11 A. The Director of the State Development Office
12 Commissioner of Economic and Community
13 Development;

14 Sec. 8. 10 MRSA §972, sub-§7, as amended by PL
15 1985, c. 344, §21, is further amended to read:

16 7. Maintain a liaison with other state agencies.
17 Maintain a close liaison with the State--Development
18 Office Department of Economic and Community
19 Development; Department of Agriculture, Food and Ru-
20 ral Resources; Department of Conservation; Department
21 of Marine Resources; and Maine Natural Resource Capi-
22 tal Corporation and provide assistance to facilitate
23 the planning and financing of eligible projects;

24 Sec. 9. 10 MRSA §984, sub-§2, ¶L, as amended by
25 PL 1985, c. 344, §29, is further amended to read:

26 L. Receive advice and assistance from, and coord-
27 inate its programs with, the State--Development
28 Office Department of Economic and Community
29 Development, the Maine State Housing Authority,
30 the Maine Development Foundation, the Maine Capi-
31 tal Corporation, the Maine Natural Resource Capi-
32 tal Corporation and other state agencies with
33 relevant expertise. In addition, programs autho-
34 rized in this subchapter may be coordinated or
35 combined with other public and private national,
36 state, regional or local programs that the agency
37 determines will facilitate the purposes of this
38 subchapter; and

1 Sec. 10. 12 MRSA §7035, sub-§11, as amended by
2 PL 1983, c. 819, Pt. A, §22, is further amended to
3 read:

4 11. Promotion of hunting, fishing and camping.
5 The commissioner may implement a program designed to
6 promote fisheries and wildlife resources and attract
7 hunters and fishermen to the State. This program may
8 include coordination of activities between the public
9 and private sectors and utilization of promotional
10 missions, exhibits, brochures, technical assistance
11 and expertise as necessary to develop and promote
12 hunting, fishing and camping activities within the
13 State. The commissioner shall coordinate this program
14 with the activities of the State-Development-Office
15 Department of Economic and Community Development. Any
16 purchases made as a result of that coordination shall
17 be by competitive bid.

18 Sec. 11. 20-A MRSA §12704, sub-§2, ¶E, as en-
19 acted by PL 1985, c. 695, §11, is amended to read:

20 E. The economic development programs overseen by
21 the State--Development-Office Department of Eco-
22 nomical and Community Development, or its succes-
23 sor, and other economic development programs and
24 agencies throughout the State;

25 Sec. 12. 20-A MRSA §12705, sub-§1, ¶E, as en-
26 acted by PL 1985, c. 695, §11, is amended to read:

27 E. The Director-of-the-State-Development-Office
28 Commissioner of Economic and Community
29 Development, or his successor, who shall serve ex
30 officio.

31 Sec. 13. 23 MRSA §4207, sub-§3, ¶A, as enacted
32 by PL 1985, c. 398, is amended to read:

33 A. Upon the abandonment of service along all or
34 a portion of a railroad line, the department
35 shall be given the first option to lease or pur-
36 chase, upon just and reasonable terms, the
37 railroad's rights-of-way along the abandoned por-
38 tion of the line. In the event that a lease is
39 negotiated for the rights-of-way, the department
40 shall consult with municipal officials and offi-

1 cers in the municipalities affected by the aban-
2 donment of service along the line to determine
3 the need for preserving the rights-of-way along
4 the abandoned portion of the line for rail trans-
5 portation. If the department finds that the wel-
6 fare of the State would be significantly and ad-
7 versely affected by the loss of the line for
8 railroad transportation purposes, the department
9 shall seek to negotiate the purchase of the aban-
10 doned portion of the line. In making this deter-
11 mination, the department shall consider, among
12 other criteria deemed significant by the depart-
13 ment, future economic development activities and
14 opportunities in the area served by the abandoned
15 railroad service. In addition, the department
16 shall consult with the State-Development-Office
17 Department of Economic and Community Development
18 and the State Planning Office in making the de-
19 termination required in this section.

20 The department shall, in good faith, seek to
21 lease the railroad rights-of-way until it finds
22 that the preservation of the rights-of-way is not
23 necessary for the welfare of the State or until
24 the voters of the State approve or disapprove, at
25 a statewide election, the issue of bonds to pur-
26 chase the rights-of-way along the abandoned por-
27 tion of the line.

28 Nothing in this paragraph may require the depart-
29 ment to lease or purchase the railroad rights-
30 of-way to an entire railroad line or portion
31 thereof for which railroad service has been aban-
32 doned if the railroad corporation owner does not
33 intend to sell, lease or in any other way dispose
34 of the rights-of-way by which railroad service
35 could be easily restored along the abandoned ser-
36 vice portion of the line.

37 **Sec. 14. 26 MRSA §3, as amended by PL 1971, c.**
38 **620, §13, is further amended to read:**

39 §3. Records confidential

40 All information and reports recorded by the di-
41 rector or his authorized agents under this Title
42 shall be confidential, and no names of individuals,

1 firms or corporations shall may be used in any re-
2 ports of the director nor made available for public
3 inspection. Records pertaining to the work force,
4 employment patterns, wage rates, poverty and low-
5 income patterns, economically distressed communities
6 and regions and other similar information and data
7 shall be made available to the Department of Economic
8 and Community Development and to the State Planning
9 Office for the purposes of analysis and evaluation,
10 measuring and monitoring poverty and economic and so-
11 cial conditions throughout the State and to promote
12 economic development with the understanding that the
13 confidentiality of the information will be main-
14 tained.

15 Sec. 15. 26 MRSA §1451, as amended by PL 1983,
16 c. 469, §3, is further amended to read:

17 §1451. Purpose

18 A Comprehensive Career, Occupational and Economic
19 Data-based System is established to provide compre-
20 hensive career and occupational information required
21 for the coordination and efficient delivery of all
22 employment and training programs in the State and--
23 ~~to support the state's economic development initiatives.~~

24 The Comprehensive Career, Occupational and Eco-
25 nomic Data-based System shall consist of 3 2 compo-
26 nents: A planning component for employment and train-
27 ing program planners and administrators; and a career
28 information delivery system component for persons in-
29 volved in the career decision-making process; ~~and an~~
30 ~~economic data-based component to support the economic~~
31 ~~development initiatives of the State.~~

32 Sec. 16. 26 MRSA §1452, as repealed and replaced
33 by PL 1985, c. 695, §17, and c. 737, Pt. A, §73, is
34 repealed and the following enacted in its place:

35 §1452. Maine Occupational Information Coordinating
36 Committee

37 The Maine Occupational Information Coordinating
38 Committee, as established by Title 5, chapter 379,
39 shall support the development, maintenance and opera-
40 tion of the Comprehensive Career, Occupational and

1 Economic Data-based System and foster communication
2 and coordination of education, employment and train-
3 ing programs through the use of the system. The com-
4 mittee shall consist of the Commissioner of Labor,
5 Commissioner of Human Services, Commissioner of Edu-
6 cational and Cultural Services, Commissioner of Eco-
7 nomi and Community Development, Director of the
8 State Planning Office and the chairmen of the Maine
9 Job Training Council, the State Board of Education
10 and the Board of Trustees of the Maine Vocational-
11 Technical Institute System. The Commissioner of Labor
12 and the Commissioner of Educational and Cultural Ser-
13 vices may serve as the representatives of the chair-
14 men of the Maine Job Training Council and the State
15 Board of Education, respectively, upon the agreement
16 of that designation by the Maine Job Training Council
17 and the State Board of Education. The Commissioner
18 of Labor shall be the chairman of the committee, with
19 the Department of Labor serving as the fiscal agent
20 for the committee.

21 Sec. 17. 26 MRSA §1453, §2, as amended by PL
22 1983, c. 469, §3, is further amended to read:

23 2. Facilitate use of occupational and economic
24 information. Facilitate the use of occupational and
25 economic information in planning and allocating em-
26 ployment, training, vocational education, and voca-
27 tional rehabilitation programs and economic--develop-
28 ment-activities;

29 Sec. 18. 26 MRSA §1453, sub-§4, as amended by PL
30 1983, c. 469, §3, is further amended to read:

31 4. Provide information. Provide the Governor
32 with the comprehensive occupational and economic in-
33 formation required to improve the coordination of em-
34 ployment, training, vocational education and voca-
35 tional rehabilitation programs to meet commonly de-
36 fin ed needs,--achieve-economic-development-goals-and
37 support-business-development-initiatives; and

38 Sec. 19. 30 MRSA §4521, sub-§2, as enacted by PL
39 1973, c. 534, §4 is amended to read:

40 2. Revisions. The Governor may, after consulta-
41 tion with the State-Planning-Office Department of Ec-

1 onomic and Community Development, regional planning
2 commissions and the officers of the municipalities
3 and counties involved, revise the district boundaries
4 to reflect changing conditions or otherwise to ful-
5 fill the purposes of this chapter.

6 **Sec. 20. 30 MRSA §4522, sub-§1, ¶A**, as enacted
7 by PL 1973, c. 534, §4, is amended to read:

8 A. Where 2 or more contiguous regional planning
9 commissions are affected, the following shall
10 hold:

11 (1) When it is determined by the State
12 Planning-Office Department of Economic and
13 Community Development that a project clearly
14 concerns the jurisdictional area of only one
15 regional planning commission, that commis-
16 sion shall be the authorized review agency;

17 (2) When a project clearly concerns the ju-
18 risdictional area of 2 or more commissions
19 as determined by the State--Planning--Office
20 Department of Economic and Community
21 Development, joint receipt and review and
22 comment shall be required.

23 **Sec. 21. 30 MRSA §4863, sub-§1, ¶C**, as amended
24 by PL 1985, c. 650, §4, is further amended to read:

25 C. The designation of captured assessed value of
26 property within a tax increment financing dis-
27 trict shall be subject to the following limita-
28 tions:

29 (1) The increase in captured assessed value
30 of property within tax increment financing
31 districts within any county may not exceed
32 the lesser of 1% of the total annual value
33 of equalized taxable property within the
34 county annually or \$20,000,000 within a
35 24-month period; if 1% of a county's equal-
36 ized taxable value is less than \$5,000,000,
37 the annual limit for that county is
38 \$5,000,000;

1 (2) Capital expenditures of the Department
2 of Transportation for highways, bridges,
3 air, marine and public transportation and
4 other transportation facilities;

5 (3) Expenditures by state agencies, from
6 both state and federal sources, for the pur-
7 pose of funding capital facilities and
8 equipment for political subdivisions of the
9 State. When federal program policies or re-
10 quirements preclude precise estimates of ex-
11 penditures, general estimates may be pre-
12 sented. These general estimates shall not
13 be considered as binding limitations, except
14 as otherwise provided by law;

15 (4) Capital expenditures by the University
16 of Maine System;

17 (5) School construction projects for which
18 concept approval from the State Board of Ed-
19 ucation has been issued in accordance with
20 Title 20-A, chapter 609. The definition of
21 "school construction project," used in Title
22 20-A, shall apply for purposes of this sub-
23 paragraph;

24 (6) Acquisition and development of state
25 parks and recreational areas; and

26 (7) Acquisition of land.

27 The capital budget shall indicate for each ex-
28 penditure and class of expenditures the costs to
29 be incurred in each fiscal year of ensuing bien-
30 niium, plus where appropriate, the annual operat-
31 ing and maintenance costs of the facilities and a
32 schedule of depreciation calculated in accordance
33 with the principles and standards of capital bud-
34 geting authorized by section 1678.

35 B. The capital budget shall indicate the reve-
36 nuues and sources required to meet projected ex-
37 penditures during the ensuing biennium. Revenue
38 sources to be indicated include, but are not lim-
39 ited to, the General Fund, the Highway Fund, oth-
40 er special funds, proceeds of bond sales, federal

1 funds, local government revenues or other
2 sources.

3 (1) Where additional revenues in the form
4 of additional taxes, user fees or new bond
5 issues are proposed to meet expenditure re-
6 quests, these shall be indicated.

7 3. Relationship to capital plan. The capital
8 budget shall be based upon the capital plan and shall
9 contain a summary of the most recent capital plan
10 prepared by the State Planning Office in accordance
11 with section 1677 and indicate the relationship be-
12 tween the proposals contained in the capital budget
13 and the capital plan.

14 4. Effective date. The capital budget shall be
15 prepared beginning with the 1990-91 biennium.

16 §1677. The capital plan

17 1. Capital plan required. The Governor shall
18 biannually prepare and submit to the Legislature a
19 plan for addressing the needs for public capital fa-
20 ilities during the ensuing 6 years. The capital
21 plan shall form the basis for the capital budget and
22 shall be prepared in a timely manner to meet the re-
23 quirements for preparation of the capital budget.

24 2. Contents. The plan shall assess long-term
25 needs for capital facilities provided by both State
26 Government and local governments and shall include:

27 A. An inventory of capital facilities held by
28 State Government and local governments and spe-
29 cial purpose and quasi-municipal districts, in-
30 cluding such information as is reasonably availa-
31 ble on the physical and economic condition of
32 these assets;

33 B. A projection of economic and demographic
34 trends likely to influence the needs for new or
35 expanded capital facilities and an analysis of
36 the relationship between capital needs and any
37 economic development strategy prepared by state
38 or political subdivisions of the State;

1 C. An estimate of mandatory, essential, desir-
2 able and deferrable repair, replacement and
3 expansions;

4 D. Estimates of life-cycle costs for new and
5 substantially expanded or renovated facilities.
6 Life-cycle costs shall include the costs of con-
7 struction, financing, repair and maintenance and
8 shall be determined, taking into account the pro-
9 cedures, for calculating life-cycle costs re-
10 quired under section 1764; and

11 E. An analysis of recent trends and projects of
12 revenues available from general and revenue obli-
13 gation bonds, general and dedicated taxes used
14 for capital facilities finance, user fees, the
15 Federal Government and other sources.

16 §1678. Principles and standards for capital planning
17 and budgeting

18 The State Planning Office, in cooperation with
19 the Bureau of the Budget, shall prepare and publish
20 guidelines that set forth principles and standards
21 for capital planning and budgeting to be used by
22 state agencies and, when appropriate, local agencies.
23 The guidelines shall set forth definitions of rele-
24 vant terms to be used in the capital planning and
25 budgeting processes, establish accounting standards
26 and standards for assessing costs and benefits of
27 public facility investments. The guidelines shall be
28 prepared by July 1, 1988, and may be revised from
29 time to time thereafter.

30 **Sec. 3. Appropriation.** The following funds are
31 appropriated from the General Fund to carry out the
32 purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>EXECUTIVE DEPARTMENT</u>		
State Planning Office		
Positions	(1)	(1)
Personal Services	\$ 35,000	\$ 35,500
All Other	50,000	10,500

1 Provides funds to
 2 establish standards
 3 and guidelines that
 4 will assist state
 5 agencies in capital
 6 planning and budget-
 7 ing.

8
 9 Total \$ 85,000 \$ 46,000

10 FINANCE, DEPARTMENT OF

11 Bureau of the Budget

12	Positions	(1)	(2)
13	Personal Services	\$ 35,000	\$ 60,000
14	All Other	10,000	10,500

15 Provides funds to
 16 implement the capi-
 17 tal budgeting pro-
 18 cess.

19
 20 Total \$ 45,000 \$ 70,500

21 Sec. 4. Effective date. This Part shall take
 22 effect October 1, 1987.

23 FISCAL NOTE

24		<u>1987-88</u>	<u>1988-89</u>
25	Total General Fund		
26	Appropriations: Part A	\$126,500	\$164,000
27	Part C	130,000	116,500
28			
29	Total	<u>\$256,500</u>	<u>\$280,500</u>

30 The State Development Office will provide the
 31 foundation upon which the Department of Economic and
 32 Community Development will expand by resources trans-

1 ferred from the following:

2 EXECUTIVE DEPARTMENT

3 State Planning Office

4	General Fund	\$328,898	\$501,331
5	Federal Expenditure		
6	Fund	936,444	1,000,919
7	Other Special		
8	Revenue Funds	7,600,000	7,600,000
9	Federal Block Grant	12,166,929	12,259,000

10 CONSERVATION, DEPARTMENT OF

11 Bureau of Parks and
12 Recreation

13	General Fund	\$66,367	\$96,518
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14 In addition to the resources transferred and
15 those appropriated by this Act, future additional ap-
16 propriation requests may result due to a lack of spe-
17 cific funding for the upgrade of certain positions to
18 more accurately reflect their expanded responsibili-
19 ties.

20 STATEMENT OF FACT

21 PART A

22 This new draft creates the Department of Economic
23 and Community Development to consist of the follow-
24 ing:

- 25 1. Office of Business Development
- 26 -Encouraging expanded business investments in
 - 27 Maine communities
 - 28 -Providing Maine businesses with management
 - 29 and market assistance to encourage growth
 - 30 and expansion
 - 31 -Providing business information and referral
 - 32 services
 - 33 -Assisting foreign trade zones
 - 34 -providing support to the promotion of Maine

- 1 products
- 2 -Industry-wide marketing assistance

- 3 2. Office of Community Development
- 4 -Administering the Community Development
- 5 Block Grant Program
- 6 -Overseeing tax increment financing activities
- 7 -Managing the Community Industrial Buildings
- 8 Fund
- 9 -Providing resources and assistance to local
- 10 planning efforts
- 11 -Providing resources and assistance to re-
- 12 gional planning efforts

- 13 3. Office of Tourism
- 14 -Tourism marketing and promotion
- 15 -Encouraging group sales, meetings and con-
- 16 ventions
- 17 -Assisting tourism businesses
- 18 -Assisting regional tourism programs

- 19 4. Division of Development Policy
- 20 -Market-driven research and analysis to sup-
- 21 port business development, community devel-
- 22 opment and tourism
- 23 -Development program evaluation
- 24 -Demonstration program development

25 The Department of Economic and Community Develop-
26 ment, by certifying local and regional economic de-
27 velopment organizations, will provide convenient
28 business assistance services through these organiza-
29 tions to businesses throughout the State. The depart-
30 ment's Business Assistance Referral and Facilitation
31 Program serves to facilitate and assist businesses
32 with respect to economic development programs and
33 with respect to working with state agencies. This
34 program also serves to coordinate programs throughout
35 State Government that affect business.

36 The Director of the Office of Business Develop-
37 ment shall report any breakdown in the economic de-
38 livery system to the commissioner. In the event that
39 the commissioner cannot correct the breakdown, the
40 commissioner shall report it to the Governor.

41 The commissioner is required to monitor and eval-

1 uate the programs of the department and to make them
2 consistent with the state strategy. In addition, the
3 commissioner is required to coordinate programs and
4 services of the department and report any proposed
5 changes or recommendations to the Governor.

6 The Office of Tourism is established to promote
7 Maine's tourism industry and to promote Maine for
8 filming activities.

9 The Office of Community Development is estab-
10 lished to coordinate community development programs
11 of the State, to provide resources to municipalities
12 and regions to assist Maine's municipalities to de-
13 velop strong economies. The Office of Community De-
14 velopment also serves to develop an effective commu-
15 nications system that links Maine's municipalities
16 with the State's economic development organizations.

17 PART B

18 In Part B of the new draft, the provisions of law
19 relating to the Finance Authority of Maine are
20 amended to require the authority to implement its
21 programs and policies consistent with the state
22 strategy and with the policies of the Department of
23 Economic and Community Development.

24 The new draft also amends the provisions of law
25 relating to the Maine Development Foundation. The
26 Maine Revised Statutes, Title 10, section 917, has
27 been repealed and replaced with Title 10, section
28 917-A, of the Maine Development Foundation, which in-
29 cludes the following duties and responsibilities:

30 1. To bridge the knowledge and communications
31 gap between the public and private sectors;

32 2. To conduct economic analyses;

33 3. To develop educational programs on the Maine
34 economy;

35 4. To identify and develop specific economic op-
36 portunities in the State; and

37 5. To promote an improved business climate in

1 the State.

2 The new draft also removes the provision autho-
3 rizing the Maine Development Foundation to engage in
4 debt and equity financing.

5 Part B also amends various parts of the Maine Re-
6 vised Statutes to make these parts consistent with
7 the provisions in this new draft.

8 PART C

9 Part C of the new draft requires that a capital
10 budget be prepared as a part of the biennial budget
11 process. The budget includes all expenditures on cap-
12 ital facilities and equipment for the biennium and
13 the revenues required to fund them and shall be in-
14 formed by the long-term capital needs identified in
15 the capital plan.

16 The new draft authorizes creation of a grant pro-
17 gram for regional planning agencies to assist munici-
18 palities in preparing information for the capital
19 plan.

20 The new draft also requires the creation of a
21 long-term, 6 years, capital plan that will identify
22 both state and local needs for capital facilities and
23 equipment and trends in revenues to fund capital fa-
24 cility investments. The plan also projects economic
25 and demographic trends affecting the needs for state
26 and local capital facilities.

27 The new draft also requires that guidelines for
28 capital budgeting and planning be prepared for use by
29 State Government and, where appropriate, local gov-
30 ernments.

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