

MAINE STATE LEGISLATURE

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L.D. 1768

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1210, L.D. 1768, Bill, "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and the Department of Economic and Community Development and Transferring Their Essential Functions"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. A-1. 5 MRSA §934-A, as amended by PL 1987, c. 816, Pt. P, §§1 and 2, is repealed.

Sec. A-2. 5 MRSA c. 330, as amended, is repealed.

Sec. A-3. 5 MRSA §12004-I, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. A-4. 5 MRSA §12004-I, sub-§6, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. A-5. 5 MRSA §12004-I, sub-§6-A, as enacted by PL 1989, c. 601, Pt. B, §1, is repealed.

Sec. A-6. 5 MRSA §12004-I, sub-§6-B, as enacted by PL 1989, c. 914, §1, is repealed.

Sec. A-7. 5 MRSA §12004-I, sub-§88, as amended by PL 1989, c. 875, Pt. M, §1 and affected by §13, is further amended to read:

88.	Maine State	Expenses	5 MRSA
Video and	Film Commission	Only	§12069
Film			§20165

Sec. A-8. 5 MRSA cc. 383 and 403, as amended, are repealed.

Sec. A-9. 5 MRSA Pt. 26 is enacted to read:

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PART 26

COMMUNITY AND ECONOMIC DEVELOPMENT

CHAPTER 533

OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT

§20111. Office established; administration of office

The Office of Community and Economic Development, referred to in this Part as "the office," is established within the Executive Department. The Director of the Office of Community and Economic Development, referred to in this Part as "the director," shall administer the office.

§20112. Office organization

The office consists of a Business Development Division, established in subchapter I and a Community Planning Division, established in subchapter II.

§20113. Director; appointment

1. Appointment of director. The Governor shall appoint the director. The director serves at the pleasure of the Governor.

2. Qualifications. The director must be a person with background, experience and interest in the areas of small business development, marketing and tourism.

§20114. Powers and duties of director

The director has the following powers and duties.

1. Employ and remove staff. The director shall employ and remove staff of the office.

A. Persons employed in major policy-influencing positions, as described in section 931, subsection 2 and professional staff whose positions were located in the former Department of Economic and Community Development serve at the pleasure of the director.

2 B. The director may employ or engage such outside technical
3 or professional consultants as may be necessary or
4 appropriate to assist the office in carrying out its
5 functions and may enter into contracts with other boards,
6 commissions, departments and divisions of the State, the
7 University of Maine System or private entities to assist in
8 carrying out the duties under this chapter.

9
10 2. Accept funds; grants. The director may accept funds and
11 grants as follows.

12 A. The director may accept for the State any federal funds
13 appropriated under any federal law relating to the
14 authorized programs of the office. The director may
15 undertake the necessary duties and tasks to implement
16 federal law with respect to the authorized programs of the
17 office.

18 B. The director may accept for the office any funds from
19 any other agency of government, individual, group,
20 foundation, corporation or other private source to carry out
21 the duties of the office, including fees designated by the
22 director for books, brochures, pamphlets, films, photos,
23 maps and similar materials.

24
25 C. The director may set and accept fees for the preparation
26 and distribution of books, booklets, brochures, pamphlets,
27 films, photos, maps, exhibits, mailing lists and all similar
28 materials and media advertising. A revolving fund for the
29 use of the office to help offset the preparation and
30 distribution costs of these materials is established within
31 the office. Income from the sale of publications and other
32 materials charged to the revolving fund is credited to the
33 revolving fund to be used as a continuing carrying account
34 to carry out the purposes of the revolving fund.

35
36 3. Hold hearings and adopt rules. The director may hold
37 hearings and adopt rules, in accordance with the Maine
38 Administrative Procedure Act, with respect to the implementation
39 of authorized programs of the office.

40
41 4. Coordinate programs and services. The director shall
42 coordinate the office's programs and services with those programs
43 and services of other state agencies and regional planning and
44 economic development organizations.

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46 5. Review of program; report to Governor and Legislature.
47 The director shall review and evaluate the programs and functions
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2 of the office and the operation of the State's economic delivery
3 system. The Maine Small Business Commission shall conduct the
4 evaluation and review required by this section with respect to
5 small business programs. The director shall report the findings
6 and recommendations with respect to the issues described in this
7 subsection to the Governor and to the Legislature no later than
8 February 1st of each first regular session of the Legislature.
9 The director shall conduct the review and evaluation with respect
10 to the following:

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

13 B. The degree of significance of the purpose of the
14 programs and functions of the office;

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

17 D. The needs, problems and opportunities that are not being
18 met by the programs and services of the office;

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

21 F. The problems and successes in the State's economic
22 delivery system;

23 G. The state of small business in the State, including
24 economic data, the effectiveness of state programs to aid
25 small business, problems of small business that may be
26 affected by state policies and such other information on
27 small business as desired by the director;

28 H. Within available resources, the extent of business
29 growth and change, including business expansions, new
30 businesses and business closings; and

31 I. Within available resources, the status of investments in
32 business in the State.

33 6. Responsible for oversight. The director shall oversee
34 and implement the following:

35 A. A program of tourism promotion and development;

36 B. The promotion of the State and its products as
37 investment opportunities;

2 C. The Community Industrial Buildings Fund established in
4 this Part and assistance programs to local development
corporations;

6 D. The small business assistance program;

8 E. Targeted business development programs; and

10 F. Business facilitation services.

12 7. Assistance to municipalities to generate economic
14 growth. The director shall administer a program of assistance to
municipalities to generate economic growth.

16 A. The program must be designed to generate jobs and
18 business development, which may include, but is not limited
to, infrastructure development, planning and technical
20 assistance, marketing and other types of capacity building.

22 B. The program consists of a fund. Money in the fund is
24 derived from any general obligation bonds issued for the
purposes of generating economic development and jobs. The
26 office shall administer the fund to provide assistance as
defined in this subsection. The fund may not exceed
28 \$1,000,000. Money available for the purpose of this
subsection may not be used to provide financial assistance
to business.

30 §20115. State agencies to cooperate

32 All state agencies and any other organizations shall
34 cooperate with and expeditiously respond to requests of the
office.

36 §20116. Business assistance referral and facilitation programs

38 The director is responsible for the implementation of
40 business assistance referral and facilitation programs
established in this Part.

42 1. Referral and central clearinghouse service. The
44 director shall maintain and update annually a list of the
business assistance programs and services and the names,
46 locations and telephone numbers of the organizations providing
these programs and services that are available within the State.
48 The director may publish a guide consisting of the business
assistance programs and services available from public or private

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2 sector organizations throughout the State. This program must be
3 designed to:

4 A. Respond to written and oral requests for information
5 about business services and assistance programs available
6 throughout the State;

8 B. Obtain and compile the most current and available
9 information pertaining to business assistance programs and
10 services within the State;

12 C. Delineate the business assistance programs and services
13 by type of program or service and by agency; and

14 D. Maintain a list, to be updated annually, of marketing
15 programs of state agencies, with a description of each
16 program.

18 2. Business facilitation service. The director shall
19 implement a business facilitation service that must be designed
20 to:

22 A. Resolve problems encountered by members of the business
23 community with other state agencies and with certified
24 regional and local economic development organizations;

26 B. Coordinate programs and services for business among
27 agencies and all levels of government;

30 C. Facilitate responsiveness of State Government to small
31 business needs; and

32 D. Report to the Governor and the Legislature about any
33 failures in the State's economic delivery system, including
34 problems encountered by businesses dealing with state
35 agencies.

38 SUBCHAPTER I

40 BUSINESS DEVELOPMENT DIVISION

42 §20121. Business Development Division

44 The Business Development Division is established within the
45 office to provide business assistance services that are
46 convenient to businesses throughout the State. The Business
47 Development Division shall use certified local and regional
48 economic development organizations, educational institutions or

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2 certified private sector firms to provide those business
3 assistance services. Business assistance services must include
4 managerial and technical assistance and assistance with
5 applications for loans and the completion of applications for
6 licenses and permits from regulatory agencies. The Business
7 Development Division, in conjunction with local and regional
8 organizations and other institutions and firms in the private
9 sector with marketing expertise, may conduct seminars on
10 marketing and marketing-related topics for state businesses. In
11 accordance with the provisions of this Part, the Business
12 Development Division shall implement a program to assist
13 businesses by referring businesses and persons to the proper
14 agencies designed to provide the business services or assistance
15 requested and to serve as a central clearinghouse of information
16 with respect to business assistance programs and services
17 available in the State.

18 §20122. General organization and duties

19 The Business Development Division consists of the Bureau of
20 Business Development, the Bureau of International Commerce, the
21 Small Business Commission, the Bureau of Tourism and the Film
22 Commission. The Business Development Division is administered by
23 the deputy director of the office.

24 Article I

25 BUREAU OF BUSINESS DEVELOPMENT

26 §20123. Bureau of Business Development

27 The Bureau of Business Development is established within the
28 Business Development Division. The Bureau of Business
29 Development shall:

30 1. Business assistance and market development. Provide
31 industry-wide assistance and market development. The director
32 shall work with other state agencies that implement marketing
33 programs and shall strive to coordinate the marketing activities
34 of the Bureau of Business Development with those of other
35 agencies whenever possible;

36 2. Identify market opportunities; business assistance.
37 Identify market opportunities and provide assistance, to the
38 maximum extent possible, to industry sectors and businesses to
39 identify market opportunities, develop market strategies and
40 promote industry-wide development;

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2 3. Utilize private sector resources. Use the State's
private sector resources, to the maximum extent feasible, when
4 contracting for services to conduct studies, provide services and
prepare publications:

6 4. Coordination. Work with other state agencies,
municipalities and regional planning, community and economic
8 development organizations for the purpose of assisting and
encouraging the orderly and coordinated development of the State:

10 5. Planning and research. Conduct planning, research and
12 analysis as needed by the office, but not macroeconomic
forecasting. The Bureau of Business Development shall gather,
14 maintain and have access to all economic and other information
necessary to the performance of its duties:

16 6. Communications. Communicate, on a regular basis, with
18 the private sector to inform the private sector of Bureau of
Business Development programs and services and to determine the
20 needs, problems and opportunities of the private sector; and

22 7. Prepare publications. Prepare and distribute
publications that:

24 A. Describe various business development programs within
26 the State that are available to state businesses;

28 B. Market the State and its communities as suitable areas
for business development and tourism;

30 C. Implement economic development programs that are assigned
32 to the Bureau of Business Development by the Governor or the
Legislature;

34 D. Seek to initiate, expand and locate businesses in the
36 State that would expand quality employment opportunities for
citizens of the State;

38 E. Encourage business development through the removal of
40 barriers to growth, facilitating exploration of
opportunities and providing assistance necessary to enhance
42 business consistent with the State's economic development
strategy; and

44 F. Encourage business investment that is consistent with
46 this chapter.

2 (1) The Bureau of Business Development shall conduct an
4 analysis of the various industrial sectors of the
6 economy. The types of businesses to be targeted for
8 attraction must have potential for development in the
10 State and contribute to a healthy business and
12 environmental climate.

14 (2) The Bureau of Business Development shall report its
16 findings and recommendations to the Governor and the
18 Legislature that include recommendations about the type
20 and extent of the business investment programs to be
22 implemented.

24 §20124. Community Industrial Buildings Fund

26 The Bureau of Business Development shall administer the
28 Community Industrial Buildings Fund under the provisions of this
30 section.

32 1. Definitions. As used in this section, unless the
34 context otherwise indicates, the following terms have the
36 following meanings.

38 A. "Carrying costs" means reasonable costs incurred for the
40 maintenance, protection and security of a community
42 industrial building prior to occupancy, including, but not
44 limited to, insurance, taxes and interest.

46 B. "Community industrial building" means a building of
48 flexible design for which the construction or carrying
costs, or both, are financed through this section for the
purpose of creating new jobs in a municipality resulting
from the sale or lease of the building.

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

D. "Lease" means a contract providing for the use of a
project or portions of a project for a term of years for a
designated or determinable rent. A lease may include an
installment sales contract.

E. "Lessee" means a tenant under lease and may include an
installment purchaser.

F. "Local development corporation" means any nonprofit
organization created by a municipality that is incorporated
under Title 13, chapter 81 or Title 13-B or otherwise

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2 chartered by the State and designed to foster, encourage and
3 assist the settlement or resettlement of industrial,
4 manufacturing, fishing, agricultural, recreational or other
5 business enterprises within the State. Notwithstanding
6 Title 13, chapter 81, a majority vote of the municipal
7 officers is sufficient to form a local development
8 corporation, which may apply for financial assistance for a
9 project under this section as long as that application is
10 formally endorsed by a vote of the governing body of the
11 municipality in which the project is to be located.

12 G. "Municipality" means any county, city or town in the
13 State.

14 H. "Rural area" means any area that is not an urban area.

15 I. "Urban area" means any municipality with a population
16 greater than 10,000 persons.

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20 2. Creation. The Community Industrial Buildings Fund is
21 created as a nonlapsing revolving fund to be used by the Bureau
22 of Business Development only for the purposes of this section.
23 Within the fund there are created 2 separate accounts for rural
24 and urban areas, called the "rural account" and the "urban
25 account," which must be separately charged and credited, as
26 provided under this section, according to the location of each
27 community industrial building in a rural or urban area.

28
29
30 A. Money in the fund that is not obligated on the effective
31 date of this paragraph must be distributed between the 2
32 accounts, with 2/3 allocated to the rural account and 1/3
33 allocated to the urban account.

34 3. Items charged or credited. Operating expenses of the
35 Bureau of Business Development incurred under this section must
36 be charged to the Community Industrial Buildings Fund and all
37 payments required by this section must be credited to it. All
38 Bureau of Business Development expenses that arise out of
39 assistance to local development corporations under this section
40 must be charged solely against the proceeds of the sale or rental
41 of community industrial buildings or all or part of an industrial
42 park assisted under this section.

43
44 4. Deposited funds. Money in the Community Industrial
45 Buildings Fund not currently needed to meet the obligations of
46 the Bureau of Business Development under this section must be
47 deposited with the Treasurer of State to the credit of the fund
48 with all interest earned by the deposit credited to the fund.

2 5. Successor to fund. For the purposes of this section,
3 the Bureau of Business Development is the successor to the
4 Department of Economic and Community Development. All
5 properties, rights in land, buildings and equipment and any
6 funds, money, revenues and receipts or assets of the Department
7 of Economic and Community Development as they apply to the
8 Community Industrial Buildings Fund, including funds previously
9 appropriated by the State for the Community Industrial Buildings
10 Fund, belong to the bureau as successor to the Department of
11 Economic and Community Development. All liabilities of the
12 Department of Economic and Community Development with respect to
13 the Community Industrial Buildings Fund become liabilities of the
14 bureau. Any action taken by the Department of Economic and
15 Community Development with respect to assisting a local
16 development corporation to create community industrial buildings
17 is deemed an action taken by the Bureau of Business Development.

18 §20125. Assistance to development corporations

19 The Bureau of Business Development may assist a local
20 development corporation to construct a community industrial
21 building by loaning it money for construction or carrying costs,
22 or both, for a project, subject to subsection 1.

23 1. Project. The following conditions apply to the project.

24 A. The project must be of public use and benefit and must
25 reasonably be expected to create new employment
26 opportunities.

27 B. In both the rural and urban accounts, preference must be
28 given to projects in economically deprived areas within
29 labor market areas declared to be in need of economic
30 development assistance by the Department of Labor.

31 C. Not more than one unoccupied community industrial
32 building project may be financed in a labor market area at
33 any one time, except as provided in paragraph D.

34 D. If a community industrial building remains unoccupied
35 for 3 or more years immediately following completion of the
36 building, the labor market area in which the building is
37 located may be authorized one new community industrial
38 building as long as:

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2 (1) No more than 2 unoccupied community industrial
buildings are financed under this section in that labor
4 market area; and

6 (2) No more than one unoccupied community industrial
building is financed at any one time under this section
8 in a municipality.

10 E. The Bureau of Business Development shall charge interest
on loans or funds provided under this section to the local
12 development corporation for a community industrial building
that remains unoccupied for 3 or more years following
14 completion of the building. The Bureau of Business
Development shall adopt rules under the Maine Administrative
16 Procedure Act with respect to rates of interest, the
duration of interest payments and any other terms to which
18 local development corporations are subject under this
paragraph.

20 2. Local development corporation. The local development
corporation shall comply with the following.

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

26 B. The local development corporation is responsible for and
shall present evidence to the Bureau of Business Development
28 of the local development corporations ability to carry out
the project as planned.

30 C. The site owned or leased by the local development
32 corporation may not be less than 4 times the size of the
community industrial building.

34 D. The local development corporation shall provide and
36 maintain, with funds other than those provided by the Bureau
of Business Development, an adequate access road from a
38 public highway to the proposed site and provide and maintain
water, sewer and power facilities. The local development
40 corporation is responsible for plowing the building site at
all times and for landscaping the building until the
42 building is occupied by an industrial tenant.

44 E. The local development corporation's project plans must
comply with applicable zoning, planning and sanitary
46 regulations in the municipality where it is to be located.
A loan may not be approved and a certificate of approval for
48 the project or for any subsequent enlargement or addition to

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2 the project may not be issued until the Department of
4 Environmental Protection has certified to the Bureau of
Business Development that all licenses required from the
department have been issued or that none are required.

6 F. The local development corporation shall make adequate
8 provisions for insurance and fire protection and maintenance
of the building while it is unoccupied.

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

12 A. The Bureau of Business Development may prescribe the
14 terms and conditions of the loan.

16 B. Except as provided in paragraph C, a loan must be repaid
18 in full, including interest and other charges, within 90
days after the building is occupied.

20 C. The building financed by a Bureau of Business
22 Development loan may not be sold or leased without the
24 express approval by the Bureau of Business Development of
26 the purchaser or lessee. If the local development
28 corporation and the Bureau of Business Development agree
30 that a community industrial building is unlikely to be sold
in the near future despite a marketing effort, the Bureau of
Business Development may permit an interim lease upon terms
the bureau considers appropriate for the protection of the
fund. Occupation of the premises under an interim lease
does not require payment in full of the entire loan within
90 days as provided in paragraph B.

32 4. Promotion and development. The Bureau of Business
34 Development shall undertake promotional and publicity activities
36 on behalf of community industrial buildings to properly market
38 them to prospective purchasers or tenants. The Bureau of
Business Development shall maintain a continual effort to secure
suitable tenants or purchasers for these buildings and shall
prepare necessary advertising and promotional materials.

40 5. Taxes. While the community industrial building remains
42 unoccupied and a first mortgage is held by the Bureau of Business
44 Development, it is declared to be property held for a legitimate
46 public use and benefit and is exempt from all taxes and special
assessments of the State or any of its political subdivisions.
This subsection does not apply to any community industrial
building whose construction was not financed under this section.

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2 6. Municipality. A municipality may raise or appropriate
3 money supporting and guaranteeing the obligation of a chamber of
4 commerce, board of trade or local development corporation for the
5 purpose of constructing a community industrial building subject
6 to the provisions of this chapter.

8 Article II

10 BUREAU OF INTERNATIONAL COMMERCE

12 §20141. Bureau of International Commerce

14 The Bureau of International Commerce is established within
15 the Business Development Division to ensure that international
16 commerce development is grounded in thorough, accurate and timely
17 economic information coupled with careful analysis in order to
18 make the maximum use of the limited resources available for
19 international commerce development activities. The Bureau of
20 International Commerce shall:

22 1. Collect and compile information. Collect, from sources
23 in both the public and private sectors, information regarding the
24 economy, businesses, labor force, building and business sites,
25 infrastructure, natural resources and other elements necessary to
26 international commerce market and program decisions;

28 2. Provide information; market and business conditions.
29 Provide information regarding international commerce market and
30 business conditions, as requested, to businesses engaged in
31 international commerce, local and regional community and economic
32 development organizations and other state agencies;

34 3. Provide information; international investment. Provide
35 the best possible information to businesses considering
36 international investment options. By the constant evaluation of
37 program initiatives, the Bureau of International Commerce shall
38 enhance the delivery of services and the use of limited resources;

40 4. Conduct evaluations. Conduct periodic evaluations of
41 the effectiveness of the office's international commerce
42 development programs in meeting the goals of those programs;

44 5. Conduct demonstration programs. Develop demonstration
45 programs and program concepts in response to international
46 commerce economic conditions and the evaluation of existing
47 program activities;

2 6. International commerce initiatives. Develop
3 demonstration international commerce program initiatives that
4 complement evaluation and research activities of the Bureau of
5 International Commerce; and

6 7. Administer foreign trade zone programs. Administer all
7 foreign trade functions of the office and administer the foreign
8 trade zone program pursuant to this subsection. From
9 appropriations made for that purpose, the director may make
10 grants for market development to any municipality or group of
11 municipalities that have received a grant of authority from the
12 Federal Government to establish a foreign trade zone.
13 Applications for foreign trade zones are subject to the following
14 provisions.

15 A. The director, on behalf of the State, may make
16 applications to the federal Foreign Trade Zone Board to
17 establish foreign trade zones that are located on property
18 owned, leased or otherwise controlled by the State. A
19 municipality, group of municipalities or a public or private
20 corporation may, with the approval of the Bureau of
21 International Commerce, make applications to the Foreign
22 Trade Zone Board to establish foreign trade zones at other
23 locations. Foreign trade zones must be established in or
24 adjacent to any ports of entry in the State where personal
25 property in transit is exempt from the stock-in-trade tax
26 and such other taxes and customs as are normally levied in a
27 port of entry.

28 B. Any development or activity with a foreign trade zone
29 established in the State is subject to the laws that the
30 Department of Environmental Protection, the Department of
31 Conservation, the Department of Marine Resources and the
32 Department of Inland Fisheries and Wildlife are responsible
33 for administering, as well as any other law that protects
34 the environment.

35 C. For the purpose of this subsection, "personal property
36 in transit" through the zones means goods, wares and
37 merchandise either moving in interstate or international
38 commerce through these zones or consigned to a warehouse,
39 public or private, within these zones, whether specified
40 when transportation begins or afterward. This property may
41 not be deprived of exemption if, while in the warehouse, the
42 property is assembled, bound, joined, processed,
43 disassembled, divided, cut, broken in bulk, relabeled or
44 repackaged. The exemption granted must be liberally
45 construed to effect the purposes of this section. The
46 exemption granted must be liberally
47 construed to effect the purposes of this section. The
48 exemption granted must be liberally

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2 warehouse in which these goods, wares or merchandise are
3 stored may not be owned, in whole or in part, by either the
4 consignee or consignor. This paragraph does not apply to
5 agricultural products.

6 Article III

8 MAINE SMALL BUSINESS COMMISSION

10 §20151. Maine Small Business Commission established

12 The Maine Small Business Commission is established as an
13 independent commission within the Business Development Division
14 to evaluate small business programs, contract with the
15 administrative unit and exercise other powers and
16 responsibilities as provided in this chapter.

18 §20152. Definitions

20 As used in this article, unless the context otherwise
21 indicates, the following terms have the following meanings.

22 1. Administrative unit. "Administrative unit" means the
23 organization certified by the federal Small Business
24 Administration to administer the Small Business Development
25 Center Program in this State.

26 2. Commission. "Commission" means the Maine Small Business
27 Commission.

28 3. Program. "Program" means the Small Business Development
29 Center Program established by Public Law 96-302, Title II, 15
30 United States Code, Sections 636 and 648, the Small Business
31 Development Center Act of 1980.

32 §20153. Membership

33 The commission consists of 3 members: the State Auditor,
34 the Chief Executive Officer of the Finance Authority of Maine and
35 the director.

36 §20154. Powers of commission

37 The commission has the power to:

38 1. Negotiate and approve contract. Negotiate, approve and
39 enforce the contract with the administrative unit by which state
40 funds are provided by the administrative unit to the small
41 business.

2 business development centers throughout the State. Approval of
3 the contract requires the approval of at least 2 members of the
4 commission:

5 2. Evaluate small business programs. Evaluate the small
6 business programs administered or overseen by the office;

7 3. Issue reports and recommendations. Issue reports and
8 recommendations to the director, the Governor and the Legislature
9 in regard to small business assistance programs; and

10 4. Hire professional staff. Hire professional staff who
11 are not subject to the Civil Service Law and who serve at the
12 pleasure of the commission.

13 A. Funding of professional staff must be provided by the
14 office from resources made available to the Bureau of
15 Business Development for personal services.

16 B. The office shall provide clerical support as required by
17 the commission.

18 **§20155. Duties of commission**

19 The commission is responsible for overseeing the program,
20 enforcing the contract between the Finance Authority of Maine and
21 the administrative unit and providing funds to the program. The
22 commission has the following duties.

23 1. Contract with administrative unit. The commission shall
24 contract with the administrative unit for the purpose of
25 providing direct business counseling, technical assistance,
26 training and other services to small businesses. The contract
27 must be completed and approved by the commission prior to July
28 1st of each year.

29 A. For fiscal year 1990-91 only, the contract may be
30 approved no later than July 15, 1990.

31 B. If the administrative unit fails to sign a reasonable
32 contract that meets the approval of a majority of the
33 commission members, funding to the administrative unit
34 continues at 85% of the funding level of the previous year
35 on a month-by-month basis until a contract is signed.

36 2. Review and evaluate programs. The commission shall
37 review and evaluate the small business assistance programs of the

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2 office as provided in this chapter. The commission shall issue a
3 report that meets the standards defined in section 20156.

4 3. Advise and make recommendations. The commission shall
5 advise the director, the Governor and the Legislature with
6 respect to the results of its evaluation of small business
7 programs and its oversight and enforcement of the contract with
8 the administrative unit.

10 §20156. Contract with administrative unit

12 The commission shall contract with the administrative unit
13 to provide services as described in this article.

14 1. Contract provisions. The contract must contain the
15 policies and procedures for the implementation and oversight of
16 the program. The contract must include, but is not limited to:

18 A. The percentage of state funds to be allocated to the
19 program subcenters;

22 B. The percentage of state funds to be allocated for
23 administrative purposes;

24 C. The percentage of state funds to be allocated for
25 statewide services;

28 D. The percentage of state funds to be allocated for small
29 business research;

30 E. Evaluation and reporting requirements for the program
31 subcenters and the administrative unit; and

34 F. Any other provisions necessary for the implementation of
35 this chapter.

36 2. Annual plan. The commission shall require the
37 administrative unit to develop an annual plan. This plan must
38 include, but is not limited to:

40 A. The types of services to be provided by the program;

42 B. The means by which services will be delivered;

44 C. Special services to be provided and the reasons these
45 services are needed;

2 D. The location and identity of the organizations providing
the regional services; and

4 E. Any other information considered by the commission to be
necessary and pertinent to the mission of the program.

6
8 3. Evaluation and reporting requirements. The commission
shall establish evaluation and reporting requirements for each
program subcenter and the administrative unit. These
10 requirements, at a minimum, must include:

12 A. The types, numbers and profiles of businesses served
statewide and by each program subcenter;

14
16 B. The types and numbers of training programs offered
through statewide services and by each program subcenter;

18 C. An evaluation of the programs and services including the
criteria by which the evaluations are made; and

20
22 D. Any other requirements the commission considers
necessary to effectively evaluate the program.

24 **§20157. Funding**

26 The commission shall provide the funds to the administrative
unit in an expeditious manner. The administrative unit is
28 responsible for providing the funds to eligible program
subcenters for the purpose of providing direct business
30 counseling, technical assistance, training and other services to
small businesses in accordance with the contract pursuant to this
32 article.

34 **§20158. Contracts with program subcenters**

36 The administrative unit shall contract with each program
subcenter designated by the administrative unit within 90 days
38 following the completion of the administrative unit contract with
the commission. In completing and approving the annual contract
40 for each small business development center, the administrative
unit shall involve all center directors.

42
44 **§20159. Committee review**

46 The joint standing committee of the Legislature having
jurisdiction over economic development matters shall review the
administration and operation of this article and report its

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findings and recommendations to the Legislature no later than January 2, 1992.

Article IV

BUREAU OF TOURISM

§20161. Bureau of Tourism

The Bureau of Tourism is established within the Business Development Division. The Bureau of Tourism consists of the Maine Tourism Commission, the tourism programs administered by the office, the Travel Promotion Matching Fund Program and the historical marker program.

1. Maine Tourism Commission. The Maine Tourism Commission, referred to in this article as the "commission," shall assist, advise and make recommendations to the office. The commission consists of 9 members of major tourism trade associations and 8 public members who must represent their respective regions and have experience in the field or have demonstrated concern for the travel industry. The terms of the members are for 4 years each, except that, for the members first appointed, 4 members are appointed for terms of 4 years, 4 members for terms of 3 years, 4 members for terms of 2 years and 5 members for terms of one year. The members are appointed by the Governor, who shall fill any vacancy in the membership for the unexpired term. The commissioners or directors, or their designees, of the following departments or offices shall serve as ex officio, nonvoting members of the commission: the Executive Department, Office of Community and Economic Development; the Executive Department, State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; and the Department of Administration, Bureau of Public Improvements. A chair and a vice-chair must be elected annually from the appointed membership.

2. Duties. The commission shall:

A. Recommend rules for the implementation of this section and make recommendations on the award of matching funds to the director;

B. Recommend policy guidelines on marketing, promotion and advertising strategies to the office;

2 C. Conduct public hearings necessary to obtain input
concerning tourism policy development from a broad cross
4 section of travel interests;

6 D. Assist the office in providing technical assistance to
the travel industry and in planning and conducting periodic
8 tourism conferences;

10 E. Prepare a report for annual submission to the Governor
and the Legislature relative to the programs, policies and
12 accomplishments of the commission; and

14 F. Assist the office in other areas the director considers
appropriate and necessary to ensure the successful
16 implementation of this section.

18 3. Compensation. Commission members are entitled to
compensation as provided by chapter 379.

20 4. Repeal. Authorization for the commission expires on
July 1, 1993. In its final report, the commission shall provide
22 its recommendations to the Governor and the Legislature
concerning the need for extending authorization for the
24 commission.

26 §20162. Tourism

28 The Bureau of Tourism shall promote and assist the State's
tourism industry in the manner prescribed in this section.

30 1. Responsibilities. The Bureau of Tourism shall:

32 A. Implement advertising and promotion programs to market
34 the State's travel industry and to attract on-location
filming of movies, advertisements and videos in the State;

36 B. Print, or cause to have printed, alone or in cooperation
38 with other travel promotion agencies and groups, booklets,
brochures, pamphlets and other materials as required to
40 fulfill requests for information on the State's travel
products and the State's facilities, sites and services for
42 the filming of movies and videos in the State;

44 C. Encourage the development of travel product facilities
and activities by locating potential developers, providing
46 market and feasibility analysis, assisting developers in
complying with applicable laws and rules and providing

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2 technical assistance to local decision making, including
decisions regarding site selection, financing and utilities;

4 D. Review and comment on the policies and programs of state
agencies that directly affect the achievement of the duties
6 and responsibilities of the Bureau of Tourism;

8 E. Provide basic support and discretionary matching grants
to local, regional and statewide nonprofit agencies that
10 directly affect the achievement of the duties and
12 responsibilities of the Bureau of Tourism;

14 F. Employ or engage outside technical or professional
consultants or organizations as necessary or appropriate to
16 assist the Bureau of Tourism in carrying out its functions;

18 G. Retain, without charge, an appropriate number of the
publications prepared by the Bureau of Tourism for
20 complimentary distribution;

22 H. Subject to the approval of the director, adopt, amend
and repeal rules to carry out the purposes of this section;
24 and

26 I. Undertake other activities that the director considers
appropriate and necessary to ensure the successful
28 implementation of this section.

30 **§20163. Travel Promotion Matching Fund Program**

32 The Travel Promotion Matching Fund Program is established to
allow the State to provide part of the funds necessary for public
34 and private nonprofit travel promotion organizations to conduct
promotional programs and to strengthen the State's image by
36 coordinating the promotional efforts of the private sector and
the Bureau of Tourism.

38 1. Eligible organization. Matching funds must be made
available to those nonprofit travel promotion organizations that
40 best meet the purposes of this section. An organization may not
disburse state matching funds to a private, for-profit business
42 for the purpose of promoting its goods, services, functions or
activities.

44 2. Limitations. The intent of this section is to increase
46 or develop new programs, not to reduce any organization's
financial participation in any ongoing project. The grant
48 program must be geared to specific promotional efforts and costs

2 and is not intended to match any administrative costs, including
any form of personal services.

4 3. Administration. The Bureau of Tourism shall administer
the Travel Promotion Matching Fund Program with such flexibility
6 as to bring about the most effective and economical travel
promotion program possible. Applications from all regions of the
8 State must be equally considered. The Maine Tourism Commission
shall recommend rules and procedures necessary and appropriate to
10 the proper operation of the Travel Promotion Matching Fund
Program. These rules must establish eligibility requirements,
12 allocation formulas, application procedures and criteria subject
to the final approval of the commissioner. The commission shall
14 establish a schedule for review of grant applications and make
timely recommendations of grant awards to the Bureau of Tourism.
16 Grants recommended by the commission to the Bureau of Tourism
must be approved by the director prior to any disbursement of
18 funds.

20 4. Bookkeeping systems. The Bureau of Tourism and all
tourist promotion organizations qualifying for matching funds
22 under this section shall keep accurate records of any
applications, transactions, payment receipts and correspondence
24 relating to the implementation of the Travel Promotion Matching
Fund Program.

26 A. The Bureau of Tourism shall establish a standard
28 accounting procedure to be used by any organization
receiving money under this section.

30 B. The records of any organization pertaining to accounts
32 and contracts funded with money under this section must be
open to audit by the State or by any firm employed by the
34 State to audit these records.

36 Additional matching funds may not be awarded to an organization
until the provisions of this subsection have been met.

38 §20164. Historical marker program

40 1. Historical markers. The director may erect historical
42 markers or signs on any highway. No more than 10 historical
markers may be erected in one year. A marker that interferes
44 with reasonable use of the highway may not be erected.

46 2. Review council. The director shall consult with the
Maine Historic Preservation Commission and the Department of
48 Transportation concerning the historical marker program. Before

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2 erecting any marker, the director shall secure the Maine Historic
3 Preservation Commission's approval of the marker, the marker's
4 location and the wording. The Maine Historic Preservation
5 Commission shall obtain information on the event to be
6 commemorated and on the appropriate location for the marker,
7 including consulting historians and holding public hearings.

8 3. Permits. Municipal councilors may permit the erection
9 of monuments, tablets and markers by individuals or societies on
10 public highways or other public grounds in places of public and
11 historical interest. The location and character of the
12 monuments, tablets and markers must not interfere with the
13 reasonable use of the highways or other public places.

14 4. Cooperative agreements. The Maine Historic Preservation
15 Commission may enter into cooperative agreements with any
16 municipality or historical society to erect a historical marker
17 on any highway. The agreement must provide for reasonable
18 sharing of the initial expense and for the municipality or
19 society to maintain and care for the marker.

20 5. Damages. If a person's property is damaged by the
21 erection of a monument, tablet or marker, that person may apply
22 to the municipal councilors within 6 months after the erection of
23 that historical marker to assess and recover damages.

24 6. Change of location. A person whose rights or interests
25 are affected by the location of any monument, tablet or marker
26 may, within 60 days after the approval of the location of that
27 monument, tablet or marker by the municipal councilors, petition
28 the municipal councilors for a change in the location.

29 7. Decisions made and recorded; fees. The municipal
30 councilors shall decide, within 30 days of receiving an
31 application for redress of damages or a petition for change of
32 location pursuant to subsection 5 or 6, decide upon the
33 application or the petition and cause this information to be
34 recorded by the town clerk. The petitioner for a change of
35 location shall pay the fees of the councilors and town clerk.

36 8. Petition to court. A petitioner or party affected by
37 the municipal councilors' decision regarding the location or
38 character of any monument, tablet or marker may seek relief from
39 the Superior Court under either of the following conditions:

40 A. If a petitioner or party affected by the municipal
41 councilors' decision is dissatisfied with the decision, the
42 petitioner or party may petition the Superior Court for a
43 change of location of the monument, tablet or marker.

2 application to the court must occur within 60 days of the
3 decision; or

4 B. If the municipal councilors neglect or refuse to decide
5 upon any petition addressed to them within 30 days, the
6 application to the court must occur within 90 days of the
7 date of petition for a decision.

8
9 **§20165. Maine State Film Commission**

10
11 1. Maine State Film Commission established. The Maine State
12 Film Commission, as established by section 12004-I, subsection
13 88, is within the Bureau of Tourism and in this section known as
14 the commission, shall advise and assist the office as necessary.
15 The commission shall advise the director with respect to the
16 operation of the Maine State Film Commission program.

17 A. The commission consists of 11 members appointed by the
18 Governor.

19
20 (1) The members appointed must be involved in a
21 related business field or possess experience or
22 familiarity with media marketing or public relations.
23 The Governor shall ensure an equitable regional
24 representation from the State.

25
26 (2) The Executive Director of the Maine Arts
27 Commission and the commissioner shall serve as ex
28 officio nonvoting members of the commission.

29 B. The terms of office are as follows.

30
31 (1) All members are appointed for 3-year terms. Of
32 those first appointed, 3 are appointed for 3-year
33 terms, 4 are appointed for 2-year terms and 4 are
34 appointed for one-year terms. The Governor shall
35 designate the terms of office of those first appointed
36 at the time of appointment.

37
38 (2) Members shall serve until their successors are
39 appointed and take office. The Governor may terminate
40 the membership of any appointee for just cause and the
41 reason for the termination must be communicated in
42 writing to each member whose term is so terminated.

43
44 (3) Vacancies must be filled in the same manner as
45 original appointments, except that any person appointed
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2 to fill a vacancy shall serve only for the unexpired
3 term of the vacancy.

4 C. The chair and vice-chair are appointed by the Governor
5 annually at the first meeting of the commission and serve
6 for one-year terms.

8 (1) The chair shall call meetings of the board.

10 D. Members are compensated for expenses only in accordance
11 with chapter 379.

12 E. Financing of promotional and development materials and
13 expenses pursuant to this section and section 20166, must be
14 made with funds within the limit of the budget of the office
15 for the Bureau of Tourism.

18 §20166. Powers

20 The Maine State Film Commission has the following powers:

22 1. Recommend rules. To recommend rules for the
23 implementation of the provisions relating to the promotion of
24 filming activities in the State;

26 2. Advise and assist the director. To advise and assist
27 the director and the office with respect to this section;

28 3. Raise and accept funds. To raise and accept funds from
29 public and private sources to be used to promote filming
30 activities in the State; and

31 4. Promote Maine for filming activities. To promote Maine
32 in order to attract on-location filming of movies, advertisements
33 and videos in the State.

36 SUBCHAPTER II

38 COMMUNITY PLANNING DIVISION

40 §20171. Community Planning Division established

42 The Community Planning Division is established within the
43 office to administer the community development, land use planning
44 and energy conservation programs assigned to the office.

46 §20172. General organization and duties

48

The Community Planning Division consists of the Bureau of Comprehensive Land Use Planning, the Community Development Block Grant Program, the Community Services Block Grant Program and the Bureau of Energy Conservation. The Community Planning Division is administered by the deputy director of the office.

Article I

BUREAU OF COMPREHENSIVE LAND USE PLANNING

§20181. Bureau of Comprehensive Land Use Planning established

The Bureau of Comprehensive Land Use Planning is established within the Community Planning Division and known in this article as the bureau. The bureau shall assist communities in local and regional land use planning activities.

The Bureau of Comprehensive Land Use Planning shall:

1. Information. Organize and make available to municipalities and regional planning agencies existing information from state agencies to be used in the development of comprehensive plans and land use ordinances as required under Title 30-A, chapter 187, subchapter II;

2. Community land use planning and implementation. Provide technical assistance to municipalities and regional planning organizations in the development and implementation of local comprehensive land use plans as required under Title 30-A, chapter 187, subchapter II;

3. Financial assistance. Administer a program to provide financial assistance to local communities and regional planning agencies in the development, implementation and enforcement of comprehensive land use plans and ordinances as required under Title 30-A, chapter 187, subchapter II;

4. Coastal zone management. Administer a coastal zone management local grants program;

5. Regional planning grants program. Administer a regional planning grants program for regional planning commissions and councils of government established under Title 30-A, chapter 119, subchapter I;

6. Staff assistance. Provide staff assistance for the Planning Advisory Council as established under Title 30-A, chapter 187, subchapter II; and

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2 7. Technical assistance and resources for local parks and
3 recreation development. Oversee delivery of technical assistance
4 and resources to municipalities for the purpose of enhancing and
5 expanding parks, open spaces and recreational opportunities as a
6 part of comprehensive community development.

8 §20182. Encumbered balances at year end

10 At the end of each fiscal year, all encumbered balances in
11 accounts for financial assistance and regional planning grants
12 may be carried over. Funds in any individual account may be
13 carried over a maximum of 2 consecutive years.

14

15 Article II

16

17 MUNICIPAL GROWTH MANAGEMENT AND CAPITAL INVESTMENT

18

19 §20191. Creation

20

21 The Municipal Growth Management and Capital Investment Fund
22 is created as a nonlapsing fund, known in this chapter as "the
23 fund," to be used only for the purposes of this chapter by the
24 Community Planning Division, referred to in this article as the
25 "division."

26

27 1. Deposited funds. Money in the fund not currently needed
28 to meet the obligations of the division under this chapter must
29 be deposited with the Treasurer of State to the credit of the
30 fund with all interest earned by the deposit credited to the fund.

31 §20192. Assistance to municipalities

32 The division may make grants to eligible municipalities in
33 support of capital investments in public service infrastructure
34 as provided in this article.

35

36 1. Definitions. As used in this article, unless the
37 context otherwise indicates, the following terms have the
38 following meanings.

39

40 A. "Public service infrastructure" means those facilities
41 that are essential for public health, welfare and safety.
42 These facilities include, but are not limited to, sewage
43 treatment facilities, municipal water facilities, solid
44 waste facilities, fire protection facilities, roads and
45 traffic control devices, parks and other open space or
46 other open space or

2 recreational areas and any other public facility that
3 benefits the public.

4 2. Eligibility. Any municipality is eligible to apply for
5 grants under this article when it has adopted and implemented a
6 certified local growth management program under the requirements
7 of Title 30-A, chapter 187, subchapter II. The program must
8 include a capital investment plan composed of the following
9 elements:

10 A. An assessment of all public facilities and services,
11 including, but not limited to, roads, sewers, schools, parks
12 and open space, fire protection and police services;

13 B. A 10-year plan for any needed replacement or expansion
14 of existing public facilities or the construction of any new
15 facilities required to meet expected growth and economic
16 development or to satisfy state or federal mandates. The
17 capital investment plan must include projections of when and
18 where these facilities will be required; and

19 C. An assessment of the anticipated costs for replacement,
20 expansion or construction of public facilities, an
21 identification of revenue sources available to meet these
22 costs and recommendations for meeting costs required to
23 implement the plan.

24 3. Eligibility for municipalities without certified local
25 growth management programs. Prior to 2 years after the
26 applicable deadline date established under Title 30-A, section
27 4343, subsection 1, any municipality is eligible for a grant
28 under this chapter when the division determines that the proposed
29 project is consistent with the grant criteria established under
30 subsection 4 and that the project is to be undertaken as part of
31 a local capital investment plan that includes the elements
32 specified under subsection 2, paragraphs A to C.

33 4. Grants criteria. The division shall develop, by rule,
34 criteria for the award of grants to eligible municipalities after
35 consultation with the Planning Advisory Council, established
36 under Title 30-A, section 4341 and subject to the requirements of
37 this article. In adopting rules, the division shall:

38 A. Give priority to those municipalities that are
39 experiencing rapid growth and that possess a public service
40 infrastructure inadequate to accommodate that growth;
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2 B. Give priority to those municipalities that have adopted
and implemented a certified local growth management program;

4 C. Establish a preference for those municipalities with
higher local property tax burdens;

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

10 E. Establish local cost-sharing requirements to ensure
12 adequate local commitment to projects receiving grants under
this article and efficient use of public funds; and

14 F. Adopt other criteria as it determines necessary to
16 ensure that grants made under this article maximize the
ability of municipalities to accommodate planned growth and
18 economic development.

20 5. Consistency. The division shall condition any grants
under this article on consistency with the municipality's
22 certified local growth management program or, in the case of
grants made on the basis of the eligibility criteria of
24 subsection 3, on consistency with the local capital investment
plan.

26 6. Coordination. The division shall coordinate the grants
28 made under this article with all other community assistance
grants administered by the office and with other state assistance
30 programs designed to accomplish similar objectives, including
those administered by the Department of Education, the Department
32 of Transportation, the Maine Municipal Bond Bank and the
Department of Environmental Protection.

34 §20193. Report to the Legislature

36 As part of its biennial progress report under Title 30-A,
38 section 4341, subsection 2, the division shall report on the
grants program. The division may make any recommendations it
40 finds necessary to achieve more effectively the purposes of this
article, including the appropriation of any necessary additional
42 funds.

44 Article III

46 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

48 §20201. Community Development Block Grant Program

BUREAU OF ENERGY CONSERVATION

2 §20211. Bureau of Energy Conservation established

4
6 The Bureau of Energy Conservation is established within the
8 Community Planning Division. The Bureau of Energy Conservation
shall administer energy conservation programs as provided in this
article.

10 §20212. Powers and duties

12 1. Federal, state and other funds. The Bureau of Energy
14 Conservation shall obtain, accept, distribute and administer
16 federal, state and other funds for the purpose of energy
18 conservation. Funds must be administered in compliance with any
20 federal rules and regulations and amendments to those rules and
regulations. Any balances of funds appropriated to the Office of
Community and Economic Development remaining at the end of a
fiscal year may not lapse but must be carried forward from year
to year to be expended for the same purposes.

22 2. Distribution of funds; proposals. The Bureau of Energy
24 Conservation shall administer and distribute funds received from
the Federal Government for the purpose of energy conservation.

26 §20213. Energy conservation programs

28 1. Federally mandated programs. The Bureau of Energy
30 Conservation shall administer the following federally mandated
programs:

32 A. The State Energy Conservation Program;

34 B. The Energy Extension Service; and

36 C. The Institutional Conservation Program.

38 2. Energy conservation standards. The Bureau of Energy
40 Conservation shall adopt energy conservation standards and adopt
42 rules for administration of the standards and the certification
of energy efficient buildings, as defined in Title 10, chapter
214.

44 3. Approval or denial of certificates. The Bureau of
46 Energy Conservation shall provide for the approval or denial of
certificates of energy efficiency, as required in Title 10,
chapter 214.

48

2 4. Preparation of manual. The Bureau of Energy
3 Conservation shall prepare the Manual of Accepted Practices, as
4 described in Title 10, chapter 214.

5 5. Review and inspection. The Bureau of Energy
6 Conservation may review plans and specifications and may inspect
7 buildings to determine compliance with the energy conservation
8 standards, as described in Title 10, chapter 214.

10 6. Administration of state standards. The Bureau of Energy
11 Conservation shall administer the state standards for appliance
12 energy efficiency, as established in this article.

14 7. Rule-making authority. If the Residential Conservation
15 Service, as established by the United States Natural Energy
16 Conservation Policy Act, Public Law 95-619, November 9, 1978, as
17 amended by the United States Energy Security Act, Public Law
18 96-294, June 30, 1980, 42 United States Code, Section 8211 et
19 seq., is repealed or amended so as to have the effect of removing
20 requirements for providing energy conservation information and
21 energy audits and arranging financing for energy conservation
22 improvements for residential customers, the Bureau of Energy
23 Conservation may adopt rules pursuant to the Maine Administrative
24 Procedure Act to continue these services. In establishing these
25 rules, the Bureau of Energy Conservation shall simplify federal
26 rules without preventing fulfillment of the program objectives
27 and in no case may the Bureau of Energy Conservation impose rules
28 containing additional requirements for utilities.

30 Until the Bureau of Energy Conservation adopts new rules under
31 this subsection, the previously existing federal regulations and
32 any state rules implementing them continue in effect.

34 §20214. State standards for appliance energy efficiency

36 1. Definitions. As used in this section, unless the
37 context otherwise indicates, the following terms have the
38 following meanings.

40 A. "ASHRAE standard" means a standard established by the
41 American Society of Heating, Refrigerating and Air
42 Conditioning Engineers.

44 B. "Freezer" means a cabinet designed as a unit for the
45 storage of food at temperatures of about 0° Fahrenheit,
46 having the ability to freeze food and having a source of
47 refrigeration requiring an energy input.

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2 C. "Manufacturer" means any person or business entity
engaged in the original production or assembly of an
4 appliance.

6 D. "New appliance" means an appliance that is sold, offered
for sale or installed the first time and specifically
8 includes floor models and demonstration units.

10 E. "Refrigerator" means a cabinet designed for the
refrigerated storage of food at temperatures above 32°
12 Fahrenheit that has a source of refrigeration requiring an
energy input. It may include a cabinet with a compartment
14 for the freezing and storage of food at temperatures below
16 32° Fahrenheit that does not provide a separate low
18 temperature compartment designed for the freezing of and the
long-term storage of food at temperatures below 8°
Fahrenheit. It has only one exterior door and may have
interior doors or compartments.

20 F. "Refrigerator-freezer" means a cabinet that consists of
2 or more compartments with at least one of the compartments
22 designed for the refrigerated storage of foods at
temperatures above 32° Fahrenheit and with at least one of
24 the compartments designed for the freezing of and the
26 storage of frozen foods at temperatures of 8° Fahrenheit or
below. The source of refrigeration requires an energy input.

28 G. "Storage-type water heater" means a water heater that
heats and stores water within the appliance at a
30 thermostatically controlled temperature for delivery on
32 demand.

34 2. Efficiency standards. Efficiency standards are as
follows.

36 A. In the following minimum energy efficiency standards,
38 "V" is the total refrigerated volume in cubic feet and "EC"
is the energy consumption in kilowatt hours per year:

<u>Appliance</u>	<u>Standard</u>
<u>(1) Refrigerators</u>	
<u>Single door, manual</u> <u>defrost</u>	<u>EC=395 x 28V</u>
<u>Single door, automatic</u> <u>defrost</u>	<u>No standard</u>

2	<u>(2) Refrigerator-freezers</u>	
4	<u>Top freezer, partial automatic defrost</u>	<u>EC=378 x 43V</u>
6		
8	<u>Top freezer, automatic defrost</u>	<u>EC=378 x 43V</u>
10	<u>Bottom freezer, automatic defrost</u>	<u>No standard</u>
12		
14	<u>Side-by-side, automatic defrost</u>	<u>EC=565 x 52V</u>
16	<u>(3) Freezers</u>	
18	<u>Upright, manual defrost, between 11.5 and 21.4 cubic feet in volume</u>	<u>EC=289 x 37V</u>
20		
22	<u>Upright, automatic defrost</u>	<u>No standard</u>
24		
26	<u>Chest, manual defrost</u>	<u>EC=315 x 32V</u>
28	<u>(4) Water heaters</u>	
30	<u>Electric</u>	<u>ASHRAE Standard 90A-1980</u>
32		<u>Section 7 Energy Factor</u>
34	<u>Gas</u>	<u>(EF)=48°</u>
36	<u>(5) Furnaces and boilers</u>	
38	<u>Oil</u>	<u>No standard</u>
40	<u>Gas</u>	<u>No standard</u>

42 B. Refrigerators, refrigerator-freezers and freezers must be certified by the manufacturer as not exceeding the values derived from the appropriate formula.

46 3. Application. This section applies as follows.

2 A. This section applies to the following residential
3 appliances:

4 (1) Storage-type water heaters;

6 (2) Gas furnaces and boilers; and

8 (3) Refrigerators, refrigerator-freezers and freezers
9 that can be operated by alternating current
10 electricity, excluding the following types:

12 (a) Those with total refrigerated volume
13 exceeding 39 cubic feet;

14 (b) Those designed to be used without doors;

16 (c) Those that do not include compressor and
18 condenser units as integral parts of the cabinet
19 assembly; and

20 (d) Those with "through-the-door" features.

22 B. This section does not apply to:

24 (1) New residential appliances manufactured in the
26 State and sold outside the State;

28 (2) New appliances manufactured outside the State and
30 sold at wholesale in the State for final retail sale
31 and installation outside the State;

32 (3) Appliances installed in mobile homes at the time
33 of construction;

34 (4) Appliances designed expressly for installation and
36 use in recreational vehicles or other equipment
37 designed for regular mobile use; and

38 (5) Appliances purchased outside of the State by state
40 residents when the appliances are installed for use by
41 the purchasers or installed in single-family, detached
42 structures.

44 4. Prohibitions. A new appliance may not be sold, offered
45 for sale or installed in the State on or after January 1, 1990
46 unless it is certified by the manufacturer to be in compliance
47 with the standards adopted under subsection 2 or unless there is
48 no state standard adopted for that type of appliance.

2 5. Test methods. The manufacturer shall cause the testing
of samples of each model of each residential appliance covered by
4 this section. The director shall use test methods approved by
the federal Department of Energy or, in the absence of those test
6 methods, other appropriate nationally recognized test methods
applicable to the respective appliances.

8
10 6. Conservation. In order to reduce the wasteful,
uneconomic, inefficient or unnecessary consumption of energy, the
director:

12
14 A. Is responsible for the administration and enforcement of
the appliance standards established by this section; and

16 B. Shall apply to the federal Department of Energy for an
exemption from federal preemption, pursuant to the United
18 States Energy Policy and Conservation Act, Section 327(b),
(3), or its successor.

20
22 7. Forfeiture. Any person who violates this section either
personally or through an agent or employee is subject to a civil
forfeiture of not more than \$500 for each violation. For
24 purposes of this section, the sale, installation or offer for
sale of any new appliance that fails to meet the standards
26 prescribed in subsection 2 constitutes a violation.

28
30 Article V

32 COMMUNITY SERVICES BLOCK GRANT

34 §20221. Allocation of Community Services Block Grant funds

36 1. Distribution of Community Services Block Grant funds.
The Community Planning Division shall administer all Community
Services Block Grant funds received by the office under the
38 provisions of 45 Code of Federal Regulations, Part 96, subpart
I. The Community Planning Division shall distribute those funds
40 to community action agencies, in coordination with funds
distributed to community actions agencies by the Maine State
42 Housing Authority.

44 2. Community action agencies; priority. Ninety percent of
the Community Services Block Grant funds received by the
46 Community Planning Division must be passed through to local
agencies. From that amount, community action agencies shall
48 receive first priority in the allocation of Community Services

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2 Block Grant funds. These funds must be distributed according to
3 a formula determined annually as follows.

4 A. Twenty percent of this 90% of the Community Services
5 Block Grant funds must be divided equally among all
6 designated agencies.

8 B. The balance of the Community Services Block Grant funds
9 must be distributed according to rules adopted by the
10 Community Planning Division.

12 3. Block grant proposals. Proposals for Community Services
13 Block Grant funds submitted to the Legislature by the Community
14 Planning Division must:

16 A. Include a description of current uses of Community
17 Services Block Grant funds and how the plan proposes to
18 change that distribution;

20 B. Retain the absolute minimum necessary for state
21 administrative costs; and

22 C. Provide for maximum flexibility within community action
23 agencies for the usage of Community Services Block Grant
24 funds.

26 §20222. Confidentiality of records

28 1. Confidentiality. Records containing the following
29 information are confidential and are not public records for the
30 purpose of Title 1, section 402, subsection 3.

32 A. Any information acquired by a state agency,
33 municipality, district, private corporation, copartnership,
34 association, fuel vendor, private contractor, individual or
35 an employee or agent of any of those persons or entities,
36 providing services relating to authorized programs of the
37 Community Planning Division or programs administered by
38 community action agencies, when that information was
39 provided by the applicant for those services or by any 3rd
40 person.

42 B. Any statements of financial condition or information
43 submitted to any of the persons or entities set forth in
44 paragraph A in connection with an application for services
45 relating to authorized programs of the Community Planning
46 Division or programs administered by community action
47 agencies.

2 2. Exceptions. Notwithstanding subsection 1, any person or
4 agency directly involved in the administration or auditing of
6 those programs and any agency of the State with a legitimate
 reason to know must be given access to those records.

8 3. Waiver of protection. Nothing in this section may be
10 construed to limit in any way the right of any person whose
 interest is protected by this section to waive in writing the
 benefits of protection.

12 4. Reports to State Government or Federal Government. The
14 Community Planning Division shall make full and complete reports
 concerning the administration of authorized programs when
 required by the Legislature or the Federal Government.

16 Sec. A-10. 30-A MRSA §4301, sub-§13, as enacted by PL 1989,
18 c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

20 13. Office. "Office" means the Office of Comprehensive
22 ~~Land-Use-Planning-in-the-Department-of-Economic-and-Community~~
 ~~Development~~ Community and Economic Development, Bureau of
24 Comprehensive Land Use Planning.

26 Sec. A-11. 30-A MRSA §4341, sub-§1, as enacted by PL 1989, c.
28 104, Pt. A, §45 and Pt. C, §10, is amended to read:

30 1. Review agency designated. The ~~Office-of-Comprehensive~~
32 ~~Land-Use-Planning-in-the-Department-of-Economic-and-Community~~
 ~~Development~~ office shall carry out this article and ensure that
34 the objectives of this subchapter are achieved.

36 Sec. A-12. 30-A MRSA §4341, sub-§4, ¶A, as enacted by PL 1989,
38 c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

40 A. The office shall make maximum use of existing
42 information available from other state agencies, including,
44 but not limited to:

- 46 (1) The Department of Conservation;
- 48 (2) The Department of Inland Fisheries and Wildlife;
- (3) The Department of Marine Resources;
- (4) The Department of Environmental Protection; and
- (5) The State Planning Office; ~~and~~ .

2 Sec. B-3. 5 MRSA c. 383, sub-c. III, art. 4, as amended, is
repealed.

4 Sec. B-4. 30-A MRSA c. 201, sub-c. XIII is enacted to read:

6 SUBCHAPTER XIII

8 FUEL ASSISTANCE

10 §4991. Definitions

12 As used in this subchapter, unless the context otherwise
14 indicates, the following terms have the following meanings.

16 1. Community action agency. "Community action agency"
18 means a private nonprofit agency that has previously been
20 designated by and authorized to accept funds from the Federal
 Community Services Administration under the United States
 Economic Opportunity Act of 1964.

22 2. Poverty level. "Poverty level" means the official
24 poverty level issued by the Director of the United States Office
 of Management and Budget.

26 3. Service area. "Service area" means the geographical
28 area within the jurisdiction of a community action agency.

30 §4992. Powers and duties

32 1. Federal, state and other funds. Through plans and
34 contracts, the authority shall obtain, distribute and administer
36 federal and state low-income home energy assistance funds,
38 including block grants, and other funds as may become available
40 in accordance with this subchapter and 45 Code of Federal
 Regulations, Subtitle A, Part 96, subpart H, sections 96.80 et
 seq. Any balances of funds appropriated to the authority for the
 Low-income Home Energy Assistance Program, as established in
 section 4993, that are remaining at the end of a fiscal year may
 not lapse but must be carried forward from year to year to be
 expended for the same purpose.

42 2. Monitoring of poverty level. The authority shall
44 monitor the poverty level of citizens of the State and carry out
46 the following activities:

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2 A. Conduct an annual survey of poverty in the State and
3 report the results of this survey to the Governor, the
4 Legislature and the public;

5 B. Make recommendations annually to the Governor and the
6 Legislature on ways and means to combat and reduce poverty
7 in the State;

8 C. Seek federal, state and private funds to combat poverty
9 in the State; and

10 D. Advise the Governor, the Legislature and local officials
11 on the impact of state and local policies on poverty in the
12 State.

13 In carrying out this subsection, the authority shall work in
14 consultation with the Office of Community and Economic
15 Development. Any funds received under paragraph C are subject to
16 allocation or appropriation by the Legislature.

17 3. Overseeing community action agencies. The authority
18 shall oversee community action agencies as follows.

19 A. The authority shall designate community action agencies
20 every 7 years pursuant to the requirements of this
21 subchapter.

22 B. The authority shall establish audit requirements in
23 accordance with the Maine Uniform Accounting and Auditing
24 Practices Act for Community Agencies.

25 C. The authority shall evaluate community action agencies
26 every 3 years.

27 D. Any community agency designated as a community action
28 agency under the former Maine Community Services Act prior
29 to the effective date of this section retains that
30 designation until rescinded.

31 4. Planning and coordination for state services. The
32 authority shall provide planning and coordination for state
33 services to low-income people.

34 5. Technical assistance. The authority shall provide
35 technical assistance to community action agencies and other
36 groups serving the interests of low-income people in this State.
37

2 6. Research and assistance to Governor. The authority
3 shall provide research and assistance to the Governor as the
4 Governor may request.

5 7. Monitoring local program operators. The authority shall
6 be responsible for monitoring subgrantees to ensure conformance
7 with appropriate rules.

8 §4993. Administration of the Low-income Home Energy Assistance
9 Program

10 The Low-income Home Energy Assistance Program is established
11 within the Maine State Housing Authority. The authority shall
12 administer the Low-income Home Energy Assistance Program in
13 accordance with this subchapter.

14 1. Administration of fuel assistance. The authority may
15 select local program operators, except that, in the case of the
16 fuel assistance program, the municipalities that served as local
17 program operators in 1984 must be given the option to serve as
18 local program operators of the fuel assistance program within
19 their municipality, as long as they comply with the
20 program-operating standards established by the authority by rule
21 in accordance with the Maine Administrative Procedure Act.

22 The authority shall provide by rule, at a minimum, the following
23 standards that apply to local program operators and
24 administrators:

25 A. Standards that require generally acceptable accounting
26 and bookkeeping procedures that meet the requirements of the
27 Federal Government and the State Auditor;

28 B. Standards that prohibit conflicts of interest by local
29 program operators and administrators. These standards must,
30 at a minimum, meet the standards that apply to Legislators
31 as defined in Title 1, section 1014;

32 C. Standards requiring the adherence of the local program
33 operators to confidentiality with respect to program
34 recipients;

35 D. Standards requiring local program operators and
36 administrators to be available to the general public for a
37 minimum specified period of time each week; and

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2 E. Standards that ensure that qualified program recipients
3 are expeditiously provided with assistance by the local
4 program operator or administrator.

5 Any municipality that the authority finds to be in violation of
6 the standards adopted by the authority pursuant to this section
7 may be prohibited from acting as a local program operator or
8 administrator of the fuel assistance program.

9 For the purpose of this section, "fuel assistance" means
10 assistance paid to fuel vendors on behalf of an eligible
11 household or directly to eligible tenants who pay heating costs
12 as an undesignated portion of rent.

13 §4994. Fuel Assistance Reserve Fund

14
15 1. Fuel Assistance Reserve Fund. The authority shall use
16 funds appropriated pursuant to this section to establish and
17 capitalize the Fuel Assistance Reserve Fund. The authority shall
18 keep the Fuel Assistance Reserve Fund separate from all other
19 funds managed by the authority and use the fund only under the
20 conditions set forth in this section. The authority shall use
21 the Fuel Assistance Reserve Fund to ensure that fuel assistance
22 benefits for the State's eligible elderly and low-income
23 residents are available prior to the beginning of the heating
24 season.

25
26 2. Timely distribution of benefits. The authority shall
27 make available to local program operators and municipal
28 administrators of the fuel assistance program, no later than
29 October 1st of each year, funds sufficient to cover anticipated
30 fuel assistance payments and program administrative costs for at
31 least the months of October, November and December.

32
33 3. Conditional use of the fund. The authority's use of the
34 fund is subject to the following conditions and limitations.

35
36 A. If the authority reasonably anticipates that federal
37 fuel assistance block grant funds are not available for
38 distribution to the local program operators and municipal
39 administrators by October 1st of each year, the authority
40 shall withdraw and distribute sufficient money from the fund
41 as is necessary for the purposes set forth in this section.
42 The authority may withdraw funds prior to October 1st,
43 provided that those funds are used only for costs incurred
44 on or after October 1st.
45
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2 Money may not be withdrawn from the fund if sufficient block
4 grant funds are available to pay reasonably anticipated fuel
assistance program and administrative costs for the months
of October, November and December.

6 B. Money withdrawn from the fund must be sufficient to
8 cover anticipated fuel assistance payments and fuel
assistance program administrative costs for all local
10 program operators and municipal administrators for the
months of October, November and December.

12 C. The authority may not withdraw money from the fund
14 between October 1st and June 30th.

16 D. The fund may not be used if the authority knows or is
18 reasonably certain that no federal fuel assistance money
will be received.

20 4. Recapitalization. If money is withdrawn from the fund
for the purposes of this section, the authority shall ensure that
22 the fund is fully recapitalized before the end of the fiscal year
in which the funds were appropriated.

24 §4995. Designation of community action agencies

26 1. Designation. The authority shall designate community
28 action agencies to carry out the purposes of this subchapter.
These designations are for 7 years.

30 2. Designation withdrawn. The authority may withdraw its
32 designation of a community action agency after an evaluation in
which the agency has demonstrated substantial incompetency and a
34 clear inability to carry out the purposes of this subchapter,
unless there is or has been financial malfeasance, which may be
36 cause for immediate withdrawal of designation.

38 The authority shall notify an agency of a pending withdrawal of
designation. Upon notification, the agency has up to 6 months to
40 take corrective action, at which time a designation withdrawal
evaluation must be performed by the authority. Failure to pass
42 this evaluation means immediate loss of designation.

44 Upon the final order from the authority that rescinds a community
action agency's designation, the community action agency may file
46 a petition for review of this final decision in the appropriate
Superior Court within 30 days under the Maine Rules of Civil
48 Procedure, Rule 80B.

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§4996. Community action agencies

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- 1. Duties. Community action agencies shall:
- A. Develop information as to the causes and conditions of poverty in the service area;
- B. Determine how much and how effectively assistance is being provided to deal with those causes and conditions;
- C. Establish priorities among projects, activities and areas as needed for the best and most efficient use of available resources;
- D. Develop, administer and operate programs to reduce poverty with particular emphasis on self-help approaches and programs to promote economic opportunities through affirmative action;
- E. Initiate, sponsor and provide programs and services responsible to the needs of the poor that are not otherwise being met;
- F. Promote interagency cooperation and coordination of all services and activities in the service area that are related to the purposes of this subchapter;
- G. Establish effective procedures by which the poor and other concerned area residents are able to influence the character of programs affecting their interests, provide for their regular participation in the implementation of those programs and provide technical and other support needed to enable low-income and neighborhood groups to secure on their own behalf available assistance from public and private sources;
- H. Join with and encourage business, labor and other private groups and organizations to undertake, together with private officials and agencies, activities in support of the purposes of this subchapter that will result in the increased use of private resources and capabilities in providing social and economic opportunities to low-income citizens;
- I. Enter into contracts with federal, state and local public agencies and private agencies and organizations, businesses and individuals as necessary to carry out the purposes of this subchapter; and

2 J. Be eligible to receive funds from such federal, state,
4 local and private sources as appropriate to carry out the
purposes of this subchapter.

6 2. Governing board for community action agency. A community
8 action agency shall establish a governing board of directors to
10 consist of not less than 15 nor more than 30 members. One third
12 of the members must be representatives of low-income residents of
14 the service area who are selected through a democratic process in
16 accordance with guidelines established by the authority. One
third of the members must be elected public officials, or their
designees, or officials of public agencies operating in the
service area. One third of the members must be representatives
of private sector organizations, including business and industry,
as well as educational, civic, labor and religious organizations.

18 The board of directors of a community action agency is
20 responsible for the following:

22 A. Overall direction, oversight and development of policies
of the agency;

24 B. Selection, evaluation and dismissal of the executive
26 director of the community action agency;

28 C. Approval of all contracts;

30 D. Approval of all agency budgets;

32 E. Performance of an annual audit by an independent,
34 qualified outside auditor. The audit must be submitted upon
completion to the authority;

36 F. Convening public meetings to provide low-income and other
38 citizens of the service area the opportunity to comment upon
policies and programs of the community action agencies; and

40 G. Evaluating agency programs and assessing community and
agency needs.

42 All meetings of the board of directors must be in accordance with
44 the freedom-of-access laws.

46 3. Programs. All programs administered by community action
agencies must be in conformance with federal and state laws,
rules and regulations. Applicants for programs and assistance

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2 must be promptly notified of their rights and responsibilities
3 when they qualify for or are denied services.

4 §4997. Confidentiality of records

6 1. Confidentiality. Records containing the following
7 information are confidential and may not be considered public
8 records for the purpose of Title 1, section 402, subsection 3:

10 A. Any information acquired by a state agency,
11 municipality, district, private corporation, copartnership,
12 association, fuel vendor, private contractor, or individual,
13 or an employee or agent of any of those persons or entities,
14 providing services relating to the Low-income Home Energy
15 Assistance Program or programs administered by community
16 action agencies, when that information was provided by the
17 applicant for those services or by any 3rd person; and

18 B. Any statements of financial condition or information
19 pertaining to financial condition submitted to any of the
20 persons or entities set forth in paragraph A in connection
21 with an application for services relating to the Low-income
22 Home Energy Assistance Program or programs administered by
23 community action agencies.

26 2. Exceptions. Notwithstanding subsection 1, any person or
27 agency directly involved in the administration or auditing of
28 those programs and any agency of the State with a legitimate
29 reason to know must be given access to those records.

30 3. Waiver of protection. Nothing in this section may be
31 construed to limit in any way the right of any person whose
32 interest is protected by this section to waive in writing the
33 benefits of protection.

36 4. Reports to State Government or Federal Government.
37 Notwithstanding subsection 1, the authority shall make such full
38 and complete reports concerning its administration of authorized
39 programs as may be required by the Legislature, the Federal
40 Government or any agency or department of the Federal Government.

42 §4998. Penalty

44 Whoever knowingly uses, transfers, acquires or possesses
45 fuel, provided through fuel assistance, in any manner not
46 authorized by this subchapter or the rules issued under this
47 subchapter is guilty of a Class E crime.

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2 **Sec. B-5. 30-A MRSA §4722, sub-§1, ¶U**, as enacted by PL 1989,
c. 581, §8, is amended to read:

4 U. Consult with the Maine Affordable Housing Alliance,
6 ~~established in Title 5, chapter 383, subchapter VII,~~
7 Advisory Committee and the Interagency Task Force on
8 Homelessness and Housing Opportunities, as defined in
9 chapter 202, section 5002, ~~subsection 9,~~ with respect to the
10 implementation of housing programs to make the best use of
11 resources and make the greatest impact on the affordable
12 housing crisis.

13 **Sec. B-6. 30-A MRSA §5002, sub-§1**, as enacted by PL 1989, c.
14 601, Pt. B, §4, is amended to read:

15 1. **Advisory committee.** "Advisory committee" means the
16 Affordable Housing Alliance Advisory Committee as defined in
17 Title 5 30-A, section ~~13118~~ 5045.

18 **Sec. B-7. 30-A MRSA §5002, sub-§2**, as amended by PL 1989, c.
19 875, Pt. M, §11 and affected by §13, is further amended to read:

20 2. **Affordable housing.** "Affordable housing" means decent,
21 safe and sanitary dwellings, apartments or other living
22 accommodations for low-income and moderate-income households.
23 ~~The Office of Community Development in consultation with the~~
24 authority shall may define "affordable housing" by rule.
25 Affordable housing includes, but is not limited to:

- 26 A. Government-assisted housing;
- 27 B. Housing for low-income and moderate-income families;
- 28 C. Manufactured housing;
- 29 D. Multifamily housing; and
- 30 E. Group and foster care facilities.

31 **Sec. B-8. 30-A MRSA §5002, sub-§§4 and 5**, as enacted by PL
32 1989, c. 601, Pt. B, §4, are repealed.

33 **Sec. B-9. 30-A MRSA §5002, sub-§8**, as amended by PL 1989, c.
34 875, Pt. M, §11 and affected by §13, is repealed.

35 **Sec. B-10. 30-A MRSA §5003, last ¶**, as enacted by PL 1989, c.
36 601, Pt. B, §4, is repealed.

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2 Sec. B-11. 30-A MRSA §§5004 and 5005, as enacted by PL 1989,
c. 601, Pt. B, §4, are repealed.

4 Sec. B-12. 30-A MRSA §§5006 and 5011, as enacted by PL 1989,
6 c. 601, Pt. B, §4, are amended to read:

8 **§5006. Coordination and cooperation**

10 All state agencies and independent state agencies shall
12 cooperate with the authority ~~and the department~~ with respect to
14 the implementation of this chapter. Whenever possible, all state
16 agencies and independent state agencies shall coordinate their
resources and activities with those of the ~~department and the~~
state authority to address the affordable housing crisis.

18 **§5011. Administration and implementation**

20 ~~The housing-alliance shall be~~ state authority is responsible
22 for providing assistance to municipalities in implementing this
24 subchapter. ~~In administering assistance to municipalities, the~~
~~housing-alliance shall consult with the state authority in order~~
~~that the resources of both agencies may be coordinated to produce~~
~~the maximum benefits.~~

26 Sec. B-13. 30-A MRSA §5012, first ¶, as enacted by PL 1989, c.
28 601, Pt. B, §4, is amended to read:

30 The ~~housing-alliance~~ state authority may:

32 Sec. B-14. 30-A MRSA §5012, sub-§5, as enacted by PL 1989, c.
34 601, Pt. B, §4, is amended to read:

36 5. **Seek legal remedies.** Seek all legal remedies available
38 to enforce the contract with a municipality. The ~~housing~~
~~alliance~~ state authority may seek an injunction for any act or
failure to act that violates this chapter or a contract entered
into under this chapter.

40 Sec. B-15. 30-A MRSA §5013, first ¶, as enacted by PL 1989, c.
42 601, Pt. B, §4, is amended to read:

44 In implementing this subchapter, the ~~housing-alliance~~ state
authority shall:

46 Sec. B-16. 30-A MRSA §5013, sub-§§1, 7 and 9, as enacted by PL
48 1989, c. 601, Pt. B, §4, are amended to read:

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2 1. **Adopt rules.** Adopt rules in accordance with the Maine
Administrative Procedure Act, Title 5, chapter 375 specifying, at
4 a minimum, how money and other resources provided to
municipalities by the alliance may be used;

6 7. **Provide technical assistance.** Within the resources of
the department state authority, provide technical assistance and
8 information to municipalities with respect to the development of
affordable housing;

10 9. **Require matching resources.** Require municipalities to
12 provide matching resources that the alliance state authority
finds feasible; and

14 **Sec. B-17. 30-A MRSA §5014**, as enacted by PL 1989, c. 601,
16 Pt. B, §4, is amended to read:

18 **§5014. Nonlapsing revolving loan fund**

20 In providing loans under this subchapter, the housing
alliance state authority shall establish a nonlapsing revolving
22 loan fund to which payment of principal and interest and any
other money available to the fund shall must be deposited.

24 **Sec. B-18. 30-A MRSA §5021, first ¶** as enacted by PL 1989, c.
26 601, Pt. B, §4, is amended to read:

28 The authority shall administer a program to be implemented
through nonprofit housing corporations to develop affordable
30 housing. ~~In administering this program, the authority shall
consult with the housing alliance to coordinate the resources
32 provided by the authority with resources that may be available
through a municipality or the department.~~

34 **Sec. B-19. 30-A MRSA §5023, sub-§10**, as enacted by PL 1989, c.
36 601, Pt. B, §4, is amended to read:

38 10. **Consult with the interagency task force.** Consult with
the ~~housing alliance and the~~ interagency task force with respect
40 to the implementation of this subchapter and the projects to be
funded under this subchapter.

42 **Sec. B-20. 30-A MRSA §§5031, 5033, 5034, 5036 and 5041**, as
44 enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

46 **§5031. Administration and implementation**

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2 The state authority and ~~the housing alliance~~ may provide
money and other resources to municipalities and nonprofit housing
4 corporations to acquire or preserve land for affordable housing.
~~The housing alliance shall administer this subchapter with~~
6 ~~respect to municipalities and the state authority shall~~
~~administer this subchapter with respect to nonprofit housing~~
~~corporations and for-profit developers.~~

8
10 1. Consultation. ~~The housing alliance and the state~~
~~authority shall consult in administering this subchapter in order~~
12 ~~to make the best use of resources and maximize their impact.~~ The
housing alliance and the state authority shall consult with the
14 interagency task force with respect to the implementation of this
subchapter.

16 **§5033. Awards of grants and loans**

18 1. Criteria. In providing grants, loans and other
resources to municipalities and nonprofit housing corporations
20 under this section, the state authority ~~and the housing alliance~~
shall ~~consult and~~ develop criteria for the award of grants, loans
22 and other resources. In developing the criteria, the authority
~~and the alliance~~ shall consider:

24
26 A. The extent of the affordable housing crisis in the
municipality or area in which land will be acquired or
preserved for affordable housing;

28
30 B. The degree of impact that the grant or loan will have on
the affordable housing problem;

32
34 C. The size of the lower income population in the area to
be served;

36
38 D. The demonstrated interest and the ability of the
municipality or nonprofit housing corporation to address the
affordable housing crisis;

40
42 E. The degree to which the grant or loan will serve very
low-income households;

44
46 F. The degree to which the grant or loan will increase the
economic activity of the eventual residents of the housing;

48
G. The degree to which the nonprofit housing corporation
provides for significant representation on its board of
directors for both residents and community residents;

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2 H. The degree to which the project will have significant
self-help or volunteer labor in the development of the
4 housing;

6 I. The degree to which the grants and loans will assure the
long-term affordability of the housing by use of the
8 homestead land trust or other techniques; and

10 J. Any other criteria that the authority ~~and the alliance~~
~~considers~~ considers necessary.

12 2. Selection process. ~~In selecting municipalities to~~
~~receive funds from the Municipal Land Acquisition Revolving Fund,~~
14 ~~the alliance shall include in the selection process, one or more~~
~~representatives from the staff of the authority. The director of~~
16 ~~the alliance, in consultation with the commissioner, shall select~~
~~the municipalities to receive grants or loans from the fund. In~~
18 ~~selecting nonprofit housing corporations to receive funds from~~
~~the Maine Affordable Housing Land Trust Fund, the executive~~
20 ~~director of the authority shall include one or more~~
~~representatives from the housing alliance in the selection~~
22 ~~process. The state authority shall select the municipalities to~~
receive grants or loans from the Municipal Land Acquisition
24 Revolving Fund and shall select the nonprofit housing
corporations to receive funds from the Maine Affordable Housing
26 Land Trust Fund.

28 3. Priorities. In selecting municipalities and nonprofit
housing corporations to receive funds under this section, the
30 selections shall must be based on priorities developed by the
housing ~~alliance~~ and the state authority. In developing these
32 priorities, ~~the alliance and~~ the authority shall consider:

34 A. The degree of activity of housing alliances in each
municipality or region in addressing the affordable housing
36 crisis;

38 B. The availability of other resources in the municipality
or region that can be coordinated with funds and resources
40 provided by the ~~housing alliance or~~ the state authority; and

42 C. Any other priorities considered important by ~~the housing~~
~~alliance or~~ the state authority.

44 §5034. Preservation of land for affordable housing

46 In regard to the acquisition and preservation of land under
48 this subchapter, the state authority, ~~the housing alliance,~~

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2 municipalities and nonprofit housing corporations may use deed
restrictions, trust agreements and any other type of agreement
4 designed to maintain land for affordable housing.

6 **§5036. Municipal Land Acquisition Revolving Fund**

8 The Municipal Land Acquisition Revolving Fund is established
as a nonlapsing revolving fund to provide low-interest loans to
10 municipalities for the acquisition or development of land for
affordable housing. The fund shall ~~be~~ is administered by the
12 ~~housing-alliance state authority~~. The ~~alliance state authority~~
shall deposit in this fund all payments of principal and interest
14 on loans made from the fund.

16 **§5041. Task force created**

18 The Interagency Task Force on Homelessness and Housing
Opportunities, established in accordance with Title 5, chapter
379, shall serve as an advisory committee with respect to the
20 administration and implementation of this chapter to the state
authority, ~~the department,~~ the Governor and the Legislature.

22 **Sec. B-21. 30-A MRSA §5042, sub-§4,** as enacted by PL 1989, c.
24 601, Pt. B, §4, is amended to read:

26 4. **Staff.** The authority ~~and the department~~ shall provide
staff support to the interagency task force. State agencies
28 represented on the task force shall also provide assistance when
requested.

30 **Sec. B-22. 30-A MRSA §5044,** as enacted by PL 1989, c. 601,
32 Pt. B, §4, is amended to read:

34 **§5044. Duties**

36 The interagency task force shall advise the ~~housing-alliance~~
~~and the~~ state authority with respect to the implementation of
38 this chapter and the development of affordable housing. The task
force shall:

40 1. **Assist in the development of affordable housing plan.**
42 Assist the ~~housing-alliance and the~~ state authority with the
development of the affordable housing plan under subchapter I;

44 2. **Make recommendations.** Make recommendations to the
46 ~~housing-alliance, the~~ state authority, the Governor and the
Legislature with respect to policies, programs and funding under
48 this chapter;

2 3. Review programs and policies. Review and examine the
3 plan, programs, policies and funding to determine their
4 effectiveness. The task force shall provide the findings of its
5 review to the persons and organizations set forth in subsection 2;

6
7 4. Serve as coordinator of information. Serve as a
8 coordinator of information and communication among state agencies
9 and among the state, municipal and private sectors with respect
10 to this chapter; and

11 5. Assistance to homeless. In cooperation with the housing
12 alliance--and--the state authority, identify the resources
13 available to the homeless and persons with special needs,
14 identify the gaps in delivery services to this population and
15 make recommendations concerning the policies and programs serving
16 this population.

17 Sec. B-23. 30-A MRSA §5045 is enacted to read:

18 §5045. Advisory committee established

19 The Affordable Housing Alliance Advisory Committee shall
20 serve as an advisory group to the state authority with respect to
21 the implementation of this chapter.

22 1. Membership. The Affordable Housing Alliance Advisory
23 Committee must have broad geographic representation and consist
24 of 15 members representing both the public and private sectors,
25 including housing developers, bankers, real estate professionals
26 and elected or appointed municipal officials appointed as follows.

27 A. Nine members are appointed by the Governor to serve
28 3-year terms. All members serve until their successors are
29 appointed and qualified. Vacancies occurring in positions
30 appointed by the Governor must be filled by appointment by
31 the Governor for the remainder of the terms.

32 B. Five members are appointed jointly by the President of
33 the Senate and the Speaker of the House of Representatives
34 to serve 3-year terms. Members appointed by the presiding
35 officers of the Legislature may be reappointed. All members
36 serve until their successors are appointed. Vacancies must
37 be filled by the appointing authorities for the remainder of
38 the terms.

39 C. The Director of the authority or the director's designee
40 shall serve on the advisory committee.

2 2. Compensation. Public members are compensated in
3 accordance with the provisions of Title 5, chapter 379.

4
5 3. Chair. The advisory committee shall elect a chair from
6 among its members to serve a term of 2 years.

7 4. Duties. The advisory committee shall advise the state
8 authority with respect to the implementation of this chapter and
9 the overall development of affordable housing in Maine. The
10 advisory committee shall:

11 A. Make recommendations to the state authority with respect
12 to policies, programs and funding under this chapter; and

13 B. Review and examine the plan, program, policies, funding
14 and implementation of programs established in this chapter
15 to determine their effectiveness.

16 5. Sunset. This section is repealed on October 1, 1992.

17 Sec. B-24. 30-A MRSA §§5051, 5052 and 5053, as enacted by PL
18 1989, c. 601, Pt. B, §4, are amended to read:

19 **§5051. Administration and implementation**

20 The ~~commissiener~~ state authority, in consultation with the
21 ~~executive-director--of--the--state--authority--and--the~~ interagency
22 ~~task force,~~ shall administer this subchapter. ~~The department and~~
23 ~~the state authority shall coordinate the resources available to~~
24 ~~each agency~~ to address residential deteriorating areas and to
25 restore these areas to decent, sanitary and safe residential
26 neighborhoods.

27 **§5052. Designation of urban housing zones**

28 The ~~commissiener~~ state authority, in consultation with the
29 ~~state authority and the~~ interagency task force, may establish 4
30 demonstration housing opportunity zones, each comprised of a
31 different municipality or portion of a municipality. These
32 demonstration zones shall serve as a means of determining the
33 effectiveness of zones as a tool stimulating residential
34 revitalization in deteriorating neighborhoods.

35 1. Standards for zones. The ~~commissiener~~, ~~in consultation~~
36 ~~with the~~ state authority, by rules adopted in accordance with the
37 Maine Administrative Procedure Act, Title 5, chapter 375, shall
38 establish standards for the selection of areas to be designated

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as zones and the provision of assistance to those zones. At a minimum, the ~~seemissieneer~~ state authority shall apply the following standards.

A. The zones must be located in urban areas experiencing significant deterioration in residential neighborhoods.

B. All areas wishing to be designated as zones must demonstrate actual or potential local capacity for residential revitalization and the willingness to cooperate with the ~~department~~ state authority.

C. The level of general assistance by the State and the municipality, as well as the level of federal assistance to persons in these areas, shall ~~shall~~ must be considered.

D. All municipalities requesting zone designation for areas within the municipality must have a local housing alliance which that shall help develop a plan of action to revitalize deteriorating residential dwellings and neighborhoods. The plan shall ~~shall~~ must address the major problems of these deteriorating areas, including a law enforcement component to significantly reduce crime in these areas.

In applying these standards, the ~~seemissieneer~~ state authority shall also consider the problem of crime in these areas.

§5053. Powers

The ~~seemissieneer~~ state authority, in consultation with the ~~state-authority-and-the~~ interagency task force, may:

1. Approve or deny applications. Approve or deny applications for assistance;

2. Alter or amend comprehensive plans. Alter or amend any comprehensive plan to be applied to revitalization of housing opportunity zones; or

3. Withhold or refuse payment of money. Withhold or refuse payment of money for any activity not authorized by the plan, the ~~seemissieneer~~ state authority or the municipality.

Sec. B-25. 30-A MRSA §5054, first ¶, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

In implementing this subchapter, the ~~seemissieneer~~ state authority shall:

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2 Sec. B-26. 30-A MRSA §5054, sub-§§2, 4 and 5, as enacted by PL
4 1989, c. 601, Pt. B, §4, are amended to read:

6 2. Coordinate with municipality. Coordinate the resources
8 of the ~~department~~ state authority with the resources of the state
authority--~~and--the~~ municipality to address residential housing
deterioration;

10 4. Provide technical assistance. Provide technical
12 assistance to municipalities in developing plans to address
14 residential and neighborhood deterioration. Technical assistance
provided under this subsection shall--~~include~~ includes technical
16 assistance provided by state agencies represented on the
interagency task force;

18 5. Analyze problems and causes of problems that create
20 residential blight. In implementing this subsection, the
22 ~~commissioner~~, the interagency task force and the state authority
shall monitor the 4 demonstration zones and develop findings and
recommendations concerning neighborhood deterioration and
revitalization; and

24 Sec. B-27. 30-A MRSA §5055, first ¶, as enacted by PL 1989, c.
26 601, Pt. B, §4, is amended to read:

28 The ~~commissioner~~--the state authority and the interagency
30 task force shall develop models for the revitalization of
32 deteriorating residential areas in urban areas based on the
34 results of the study and monitoring of the demonstration zones as
provided in section 5052. The ~~commissioner~~--the state authority
and the interagency task force shall review and evaluate the
36 plans and programs applied to the demonstration zones and report
their findings and recommendations to the Governor and the joint
standing committee of the Legislature having jurisdiction over
housing matters by December 30, 1992. This report shall must
include:

40 PART C

42 Sec. C-1. 2 MRSA §6, sub-§1, as amended by PL 1989, c. 700,
44 Pt. A, §8, is further amended to read:

46 1. Range 91. The salaries of the following state officials
and employees shall--~~be~~ are within salary range 91:

48 Commissioner of Transportation;

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- 2 Commissioner of Conservation;
4 Commissioner of Finance;
6 Commissioner of Administration;
8 Commissioner of Education;
10 Commissioner of Environmental Protection;
12 Commissioner of Human Services;
14 Commissioner of Mental Health and Mental Retardation;
16 Commissioner of Public Safety;
18 Commissioner of Professional and Financial Regulation;
20 Commissioner of Labor;
22 Commissioner of Agriculture, Food and Rural Resources;
24 Commissioner of Inland Fisheries and Wildlife;
26 Commissioner of Marine Resources; and
28 Commissioner of Corrections; and
30 ~~Commissioner of Economic and Community Development.~~
32 Sec. C-2. 3 MRSA §927, sub-§5, ¶B, as amended by PL 1989, c.
34 857, §12, is further amended to read:
36 B. Independent agencies:
38 (1) Board of Chiropractic Examination and Registration;
40 (2) Board of Dental Examiners;
42 (3) Nursing Home Administrators Licensing Board;
44 (4) Board of Registration in Medicine;
46 (5) State Board of Nursing;
48 (6) State Board of Optometry;

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- 2 (7) Board of Osteopathic Examination and Registration;
- 4 (8) Board of the Maine Children's Trust Fund;
- 6 (9) Examiners of Podiatrists;
- 8 (10) Maine Medical Laboratory Commission;
- 10 (11) State Planning and Advisory Council on
Developmental Disabilities;
- 12 (12) Maine Committee on the Problems of the Mentally
14 Retarded; and
- 16 (13) Governor's Committee on Employment of People with
Disabilities; and
- 18 ~~(14) -- Division of Community Services.~~

20 Sec. C-3. 3 MRSA §927, sub-§10, ¶A, as enacted by PL 1989, c.
22 483, Pt. A, §§4 and 62, is repealed.

24 Sec. C-4. 5 MRSA §1507, sub-§5-A, as amended by PL 1989, c.
26 700, Pt. A, §15 and c. 893, is repealed and the following enacted
in its place:

28 5-A. Job development training. The Governor may allocate
30 funds from such account in amounts not to exceed in total the sum
32 of \$1,000,000 to provide funds for any unusual, unforeseen or
34 extraordinary needs for state assistance in creating jobs by
36 assisting in meeting the training requirements of labor-intensive
38 new or expanding industries. Allocations for this purpose may be
40 made from this fund by the Governor only upon the written request
of the Commissioner of Labor and after consultation with the
State Budget Officer. The commissioner's request to the Governor
must be formulated subsequent to consultation with the
Commissioner of Education, the President of the Maine Technical
College System and the director of the appropriate service
delivery area as defined by the Job Training Partnership Act.

42 Sec. C-5. 5 MRSA §1642, sub-§2, as repealed and replaced by PL
1985, c. 96, is repealed.

44 Sec. C-6. 5 MRSA §1642, sub-§3-A is enacted to read:

46 3-A. Office. "Office" means the Executive Department,
48 Office of Community and Economic Development.

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2 Sec. C-7. 5 MRSA §1643, first ¶, as repealed and replaced by PL
1985, c. 96, is amended to read:

4 The departments and the division office shall prepare a
6 written report of the State's social service programs. This
7 report shall must be presented to the Governor and the
8 Legislature, widely distributed to community social service
9 agencies and made available to the public no later than December
10 1st of each year.

12 Sec. C-8. 5 MRSA §1643, sub-§2, as repealed and replaced by PL
1985, c. 96, is amended to read:

14 2. Format. The report shall must utilize a uniform format
15 focusing on target populations grouped by major program areas.
16 Characteristic data of the target populations shall must be
17 included to the extent that information is available. The report
18 shall must contain an integrated description of the operations of
19 the departments and the division office in each program area,
20 describing the social services as a coordinated and cooperative
21 plan when a service is provided by more than one department or
22 division office. When appropriate, the fiscal information shall
23 must be displayed by account by department, and when applicable
24 by subdivision of that department, and by the division office and
25 shall must also be displayed as a total expenditure.

26 Sec. C-9. 5 MRSA §1643, sub-§4, as enacted by PL 1985, c. 96,
27 is amended to read:

28 4. Other state agencies. The report shall must include
29 social service programs administered by state agencies other than
30 the departments and the division office to the extent that those
31 social services are related to the programs described in the
32 report. Those agencies shall participate in preparing the report
33 to the extent necessary to ensure the program descriptions
34 accurately portray how those services fit into the overall social
35 service system and to provide the necessary fiscal information.

36 Sec. C-10. 5 MRSA §1653, sub-§4, as amended by PL 1989, c.
37 700, Pt. A, §16, is further amended to read:

38 4. Department. "Department" means the Department of
39 Education, the Department of Human Services, the Department of
40 Mental Health and Mental Retardation and the Department of
41 Corrections; ~~the Division of Community Services of the Executive~~
42 Department; the Criminal Justice Planning and Assistance Agency
43 of the Executive Department; or the Department of Transportation;
44 and may mean such other administrative units of State Government

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as are defined from time to time by the commissioner, except that the Maine Health Care Finance Commission shall may not be defined as "department" for the purposes of this chapter.

Sec. C-11. 5 MRSA §1665, sub-§2, as enacted by PL 1989, c. 501, Pt. P, §13, is amended to read:

2. Inclusion in estimate. In preparing budget estimates pursuant to this section, the Department of Human Services, the Department of Mental Health and Mental Retardation, the Department of Corrections, and the Executive Department, Division of Community Services Office of Community and Economic Development shall include in their proposed current services budget estimates:

A. The amount necessary to cover projected increases in costs attributable to contracted social services which that are to be continued at current levels, based on the United States Consumer Price Index established by the United States Department of Labor, Bureau of Labor Statistics; or

B. A statement identifying the specific services that are to be eliminated or reduced in the event that funds are not budgeted to continue all contracted social services at current levels. The statement shall must indicate which categories of clients and geographic areas will be affected.

The analysis and statement required by this subsection shall must be included in the state budget document pursuant to section 1664.

Sec. C-12. 5 MRSA §1762, as amended by PL 1989, c. 501, Pt. DD, §1, is further amended to read:

§1762. No facility constructed without life-cycle costs

No public improvement, as defined in this chapter, public school facility or other building or addition constructed or substantially renovated in whole or in part with public funds or using public loan guarantees, with an area in excess of 5,000 square feet, may be constructed without having secured from the designer a proper evaluation of life-cycle costs, as computed by a qualified architect or engineer. The requirements of this section with respect to substantial renovation shall pertain only to that portion of the building being renovated. Construction shall may proceed only upon disclosing, for the design chosen, the life-cycle costs as determined in section 1764 and the capitalization of the initial construction costs of the facility or building. The life-cycle costs shall must be a primary

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2 consideration in the selection of the design. As At a minimum,
the design shall must meet the energy efficiency building
4 performance standards promulgated by the ~~Department--of--Economic~~
~~and--Community--Development~~ Office of Community and Economic
Development.

6
8 **Sec. C-13. 5 MRSA §1764, sub-§1, as amended by PL 1989, c.**
501, Pt. DD, §2, is further amended to read:

10 **I. Bureau of Public Improvements to promulgate rules and**
12 **procedures.** The Bureau of Public Improvements shall promulgate
rules and procedures, including energy conservation guidelines
14 which, that conform as at a minimum to the energy efficiency
building performance standards promulgated by the ~~Department--of~~
~~Economic--and--Community--Development~~ Office of Community and
16 Economic Development, Bureau of Energy Conservation for
conducting an energy-related life-cycle costs analysis of
18 alternative architectural or engineering designs, or both, and
shall evaluate the efficiency of energy utilization for designs
20 in the construction and lease of public improvements and public
school facilities. Such rules and procedures shall take effect 90
22 ~~days--after--the--enactment--of--this--subchapter~~ July 1, 1989.

24 **Sec. C-14. 5 MRSA §1892, sub-§1, ¶J, as repealed and replaced**
by PL 1989, c. 857, §35, is amended to read:

26 **J. The ~~Commissioner--of--Economic--and--Community--Development~~**
28 **~~Office of Community and Economic Development~~ or the**
~~commissioner's director's~~ designee;

30 **Sec. C-15. 5 MRSA §3302, sub-§1, ¶F, as amended by PL 1989, c.**
32 501, Pt. DD, §3, is further amended to read:

34 **F. Continuing analysis of the economy of the State in**
conjunction with the ~~Department--of--Economic--and--Community~~
36 ~~Development~~ Office of Community and Economic Development; and

38 **Sec. C-16. 5 MRSA §3305, sub-§1, ¶C, as amended by PL 1989, c.**
501, Pt. P, §18, is further amended to read:

40 **C. Conduct, in conjunction with the ~~Department--of--Economic~~**
42 **~~and--Community--Development~~ Office of Community and Economic**
Development, continuing economic analysis of the economy and
44 **resources of the State, including economic forecasting, and**
collect and collate all pertinent data and statistics
46 relating thereto and assist the Governor, the Legislature
and the various state departments in formulating economic
48 goals and programs and policies to achieve such goals. These

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2 data and statistics, including census information, shall
3 must be made available to the Legislature upon request.

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

8 (2) In implementing this paragraph, the State Planning
9 Office may use secondary data made available to the
10 office by other state agencies or other organizations;

12 Sec. C-17. 5 MRSA §3305, sub-§1, ~~¶H~~, as amended by PL 1989, c.
13 501, Pt. DD, §11, is further amended to read:

14 H. Compile, analyze and maintain information useful to the
15 development of industry in the State concerning resources,
16 sites, space, equipment, adequate housing, contracts,
17 materials, transportation, markets, labor supply, population
18 trends and other economic considerations and shall measure
19 and monitor economic distress and poverty in the State on an
20 en-geing ongoing basis. The State Planning Office, in
21 conjunction with the ~~Department of Economic and Community~~
22 ~~Development Office of Community and Economic Development,~~
23 shall study problems peculiar to the industry and economy of
24 this State with a view toward the broader utilization of our
25 natural resources, which studies shall must be advanced by
26 coordination of research with existing private and
27 governmental agencies and educational institutions, and may
28 be advanced by contractual relations with persons or
29 organizations equipped to conduct the needed research. The
30 State Planning Office shall, upon request from the Governor
31 or any state department, assist in the preparation of
32 reports regarding the responsibilities and duties provided
33 by this subsection, including regular analysis of poverty
34 and economic distress. The State Planning Office shall
35 coordinate its activities pursuant to this paragraph with
36 the ~~Division of Community Services~~ Office of Community and
37 Economic Development to meet the annual reporting needs of
38 the ~~division~~ Office of Community and Economic Development;
39 and
40

42 Sec. C-18. 5 MRSA c. 381, as amended, is repealed.

44 Sec. C-19. 5 MRSA §12004-G, sub-§16, as enacted by PL 1987, c.
45 786, §5, is amended to read:

48 16. Board of the Expenses 22 MRSA

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2	Human	Maine Chil-	Only	\$3723
	Services:	dren's Trust		\$3733
	Child	Fund		
4	Protection			

6 **Sec. C-20. 5 MRSA §13122, sub-§§1 and 2, as enacted by PL 1987, c. 816, Pt. DD, §3, are amended to read:**

8
10 **1. Composition.** The commission shall--be--comprised is
12 composed of 21 22 members. The membership shall must include 3
14 state department agency heads, one of whom shall must be the
16 Commissioner--of--Economic--and--Community--Development Director of
18 the Office of Community and Economic Development; one member
representing the Maine Development Foundation; and 18 members
representing the Maine scientific and technological community,
including 14 members of the private sector, 3 members from
post--secondary postsecondary education and one member from labor.

20 **2. Appointment.** The Governor shall appoint all members of
22 the commission. The Governor shall appoint the chairman chair
24 annually. The vice-chairman--shall--be vice-chair is the
Commissioner--of--Economic--and--Community--Development Director of
the Office of Community and Economic Development.

26 **Sec. C-21. 5 MRSA §13123, sub-§6, as enacted by PL 1987, c. 816, Pt. DD, §3, is amended to read:**

28 **6. Cooperation with state agencies.** The commission, in
30 developing policy and program priorities, shall coordinate its
32 programs with the policies and programs of the Department--of
Economic--and--Community--Development Office of Community of
34 Economic Development. All state agencies shall cooperate and
work closely with the commission in carrying out the purposes of
this chapter.

36 **Sec. C-22. 7 MRSA §1-B, last ¶, as amended by PL 1989, c. 700, Pt. A, §29, is further amended to read:**

38
40 The Legislature further finds the preservation of rural life
42 and values in the State to be the joint responsibility of all
44 public agencies, local, state and federal, whose policies and
46 programs substantially impact the economy and general welfare of
48 people who reside in rural Maine, such as the development and
implementation of programs whieh that assist in the maintenance
of family farms, provide specialized opportunities for education
and technical training and improve health and nutrition. The
state agencies in addition to the department include, but are not
limited to, the Department of Education, the Department of Human

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2 Services, the Department of Labor, the Department of Conservation
and the Division--of--Community--Services--of--the--Executive
3 Department Office of Community and Economic Development.

4 Sec. C-23. 7 MRSA §214, sub-§3, as amended by PL 1989, c. 700,
6 Pt. A, §30, is further amended to read:

8 3. Advisory committee. The State Purchasing Agent or a
designee shall establish an advisory committee to discuss
10 possibilities and review proposals for expanding purchases of
local foodstuffs. At least one representative from the following
12 state agencies shall must be invited to serve on this advisory
committee: ~~The--Department--of--Agriculture,--Feed--and--Rural~~
14 ~~Resources~~ the department; the Department of Corrections; the
Department of Education; the Department of Human Services; the
16 Department of Marine Resources; and the ~~Division--of--Community~~
~~Services~~ Office of Community and Economic Development.
18 Representation from other state agencies, local institutions or
from the private sector shall must be chosen by the State
20 Purchasing Agent who shall serve as ~~chairman~~ chair of the
advisory committee.

22 Sec. C-24. 7 MRSA §302, 2nd ¶, as enacted by PL 1983, c. 532,
24 §2, is amended to read:

26 This chapter shall must be administered by the ~~Division--of~~
~~Community--Services~~ Office of Community and Economic Development
28 in cooperation with appropriate local, state and federal
agencies. The ~~division office~~ shall make challenge grants
30 available for pilot community food center projects.

32 Sec. C-25. 7 MRSA §403, sub-§2, as amended by PL 1987, c. 534,
Pt. B, §§1 and 23, is further amended to read:

34 2. Advice. From time to time, the department shall consult
36 regarding operation and maintenance of the building with, and for
any major exhibition shall prior to the exhibition develop a plan
38 after a public hearing and obtain advice on the proposed use of
building space from, the following persons: ~~The~~ the Commissioner
40 of Marine Resources; the Commissioner of Inland Fisheries and
Wildlife; the Commissioner of Conservation; and ~~Commissioner--of~~
42 ~~Economic--and--Community--Development~~ the Director of the Office of
Community and Economic Development.

44 Sec. C-26. 7 MRSA §972, as amended by PL 1989, c. 503, Pt. B,
46 §42, is further amended to read:

48 **§972. Potato Marketing Improvement Committee**

2 There is established an advisory committee, as authorized by
4 Title 5, section 12004-H, subsection 10, of 10 members to be
6 known as the Potato Marketing Improvement Committee. The Potato
8 Marketing Improvement Committee shall advise the commissioner on
10 the development and implementation of improved potato marketing
12 systems, including the modernization, construction and operation
14 of storage and central packing facilities. The Potato Marketing
16 Improvement Committee shall also advise the commissioner
18 concerning the funding and expenditures of the Potato Marketing
20 Improvement Fund created pursuant to section 973. The
22 commissioner shall appoint one member representing the University
24 of Maine System, one member representing the Farmers Home
26 Administration, one member representing the Farm Credit System,
28 one member representing the ~~Department of Economic and Community~~
30 Development Office of Community and Economic Development and one
member representing the public. Each executive council
established pursuant to Title 36, section 4603, subsection 3,
shall appoint one person to serve as a member of the committee.
The commissioner and the executive councils shall appoint as
members persons with education, training or experience relevant
to the development and implementation of improved potato
marketing systems, including the modernization, construction and
operation of storage and central packing facilities and with an
understanding of the importance of those facilities for potato
quality and marketing. When the commissioner finds it
appropriate, the members representing the Farmers Home
Administration and the Farm Credit System may serve as a loan
review committee and advise the commissioner, on a confidential
basis, on applications for funding.

32 **Sec. C-27. 10 MRSA §933, sub-§3, ¶I,** as enacted by PL 1989, c.
34 875, Pt. K, §1 and affected by §3, is amended to read:

36 I. ~~The Department of Economic and Community Development~~
Office of Community and Economic Development;

38 **Sec. C-28. 10 MRSA §934, sub-§3, ¶A,** as enacted by PL 1989, c.
40 875, Pt. K, §1 and affected by §3, is amended to read:

42 A. ~~The Commissioner of Economic and Community Development~~
Director of the Office of Community and Economic Development;

44 **Sec. C-29. 10 MRSA §962, 2nd ¶,** as enacted by PL 1987, c. 534,
46 Pt. B, §§5 and 23, is amended to read:

48 In order to fulfill these purposes and to make the best use
of the State's limited resources, the Finance Authority of Maine

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2 shall consider the state economic development strategy and the
3 policies and activities of the Department--of--Economic--and
4 Community--Development Office of Community and Economic
5 Development in implementing its powers, duties and
6 responsibilities.

7 Sec. C-30. 10 MRSA §964, sub-§3, as enacted by PL 1987, c.
8 534, Pt. B, §§6 and 23, is amended to read:

9
10 3. Programs and policies. In implementing its powers,
11 duties, responsibilities and programs, the Finance Authority of
12 Maine shall consider the state economic development strategy and
13 the policies and activities of the Department--of--Economic--and
14 Community--Development Office of Community and Economic
15 Development.

16
17 Sec. C-31. 10 MRSA §965, sub-§4, ¶A, as amended by PL 1987, c.
18 534, Pt. B, §§7 and 23, is further amended to read:

19 A. The ~~Commissioner of Economic and Community Development~~
20 Director of the Office of Community and Economic Development;
21

22
23 Sec. C-32. 10 MRSA §972, sub-§7, as amended by PL 1989, c.
24 552, §8, is further amended to read:

25
26 7. Maintain a liaison with other state agencies. Maintain
27 a close liaison with the Department--of--Economic--and--Community
28 Development Office of Community and Economic Development; the
29 Department of Agriculture, Food and Rural Resources; the
30 Department of Conservation; and the Department of Marine
31 Resources; and provide assistance to facilitate the planning and
32 financing of eligible projects;

33
34 Sec. C-33. 10 MRSA §984, sub-§2, ¶L, as amended by PL 1987, c.
35 534, Pt. B, §§9 and 23, is further amended to read:

36
37 L. Receive advice and assistance from, and coordinate its
38 programs with, the Department--of--Economic--and--Community
39 Development Office of Community and Economic Development,
40 the Maine State Housing Authority, the Maine Development
41 Foundation, the Maine Capital Corporation, the Maine Natural
42 Resource Capital Corporation and other state agencies with
43 relevant expertise. In addition, programs authorized in this
44 subchapter may be coordinated or combined with other public
45 and private national, state, regional or local programs that
46 the agency determines will facilitate the purposes of this
47 subchapter; and
48

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2 **Sec. C-34. 10 MRSA §1041, sub-§16**, as repealed and replaced by
PL 1989, c. 878, Pt. A, §27, is amended to read:

4 **16. Energy conservation.** Provide financial assistance for
energy conservation. ~~The Department of Economic and Community~~
6 ~~Development Office of Community and Economic Development~~ shall
provide assistance to the authority in determining technical
8 eligibility and merit of applications for energy conservation
loans. Each recipient of a loan under this section shall provide
10 the authority, within one year, with detailed information on
energy consumption before and after the completion of the energy
12 conservation project;

14 **Sec. C-35. 10 MRSA §1100-N, sub-§2**, as amended by PL 1985, c.
344, §96, is further amended by amending the first paragraph to
16 read:

18 **2. Loan criteria and procedures.** The authority may, ~~after~~
~~consultation with the Community Services Advisory Board,~~
20 ~~established by Title 5, section 3517,~~ promulgate rules to
implement the Maine Job-start Program, which shall must include,
22 but are not be limited to, the following loan criteria:

24 **Sec. C-36. 10 MRSA §1100-T, sub-§3**, as enacted by PL 1987, c.
854, §§2 and 5, is amended to read:

26 **3. Priority.** The authority shall reserve \$500,000 in tax
credit authorization for "natural resource enterprises," as
28 defined in section 963-A, subsection 41, and shall reserve an
additional \$500,000 in tax credit authorization for eligible
30 investments in businesses located in ~~job-opportunity-zones~~
32 ~~designated pursuant to Title 5, chapter 403, or in contiguous~~
communities designated by the ~~Commissioner of Economic and~~
34 ~~Community Development, as being entitled to zone benefits due to~~
~~special circumstances~~ Director of the Office of Community and
36 Economic Development.

38 **Sec. C-37. 10 MRSA §1413, sub-§7**, as amended by PL 1989, c.
501, Pt. DD, §21, is repealed.

40 **Sec. C-38. 10 MRSA §1413, sub-§7-A** is enacted to read:

42 **7-A. Director.** "Director" means the Director of the Office
44 of Community and Economic Development.

46 **Sec. C-39. 10 MRSA §1414-A**, as amended by PL 1989, c. 501,
Pt. DD, §23, is further amended to read:

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2 §1414-A. Adoption of energy performance building standards by
state agencies

4 Energy performance building standards adopted by state
agencies shall must be coordinated with each other, as far as
6 practicable, so that similar activities and buildings are treated
in a similar way. ~~The Commissioner of Economic and Community~~
8 ~~Development~~ Office of Community and Economic Development, Bureau
of Energy Conservation shall assist other state agencies in
10 developing energy standards which that comply with this section.

12 Sec. C-40. 10 MRSA §1463, sub-§3 is enacted to read:

14 3. Director. "Director" means the Director of the Office
of Community and Economic Development.

16 Sec. C-41. 10 MRSA §1464, as amended by PL 1989, c. 501, Pt.
18 DD, §25, is further amended to read:

20 §1464. Regional Ride Share Services Matching Fund Program

22 There is established, to carry out the purposes of this
chapter, a the Regional Ride Share Services Matching Fund Program
24 to be administered by the ~~Department of Economic and Community~~
~~Development~~ Office of Community and Economic Development.

26 Sec. C-42. 10 MRSA §1485, first ¶, as amended by PL 1989, c.
28 501, Pt. DD, §26, is further amended to read:

30 ~~The Department of Economic and Community Development~~ Office
of Community and Economic Development, Bureau of Energy
32 Conservation shall prepare, and shall keep current, an
informational pamphlet concerning insulation materials being used
34 in the State. The pamphlet shall must discuss the characteristics
of these insulation materials and the positive and negative
36 effects which that may result following installation of these
materials. The pamphlet shall must also include, but shall is not
38 be limited to:

40 Sec. C-43. 10 MRSA §1485, sub-§5, as amended by PL 1989, c.
42 501, Pt. DD, §27, is further amended to read:

44 5. Other information. Such other information as the
~~Department of Economic and Community Development~~ shall deem
Bureau of Energy Conservation considers necessary or appropriate.

46 Sec. C-44. 10 MRSA §1485, 2nd ¶, as amended by PL 1989, c.
48 501, Pt. DD, §28, is further amended to read:

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2 ~~The Department of Economic and Community Development Bureau~~
3 ~~of Energy Conservation~~ shall furnish this pamphlet, upon request,
4 to any citizen of this State without charge.

6 Sec. C-45. 10 MRSA §1493, first ¶, as amended by PL 1989, c.
7 501, Pt. DD, §30, is further amended to read:

8 ~~The Department of Economic and Community Development Office~~
9 ~~of Community and Economic Development, Bureau of Energy~~
10 ~~Conservation~~ shall establish an express warranty for the sale and
11 installation of solar energy equipment in Maine ~~the State~~. This
12 express warranty shall ~~shall~~ must, at a minimum, include the following:

13 Sec. C-46. 12 MRSA §7035, sub-§11, as amended by PL 1987, c.
14 534, Pt. B, §§10 and 23, is further amended to read:

15 11. Promotion of hunting, fishing and camping. The
16 commissioner may implement a program designed to promote
17 fisheries and wildlife resources and attract hunters and
18 fishermen anglers to the State. This program may include
19 coordination of activities between the public and private sectors
20 and utilization of promotional missions, exhibits, brochures,
21 technical assistance and expertise as necessary to develop and
22 promote hunting, fishing and camping activities within the State.
23 The commissioner shall coordinate this program with the
24 activities of the ~~Department of Economic and Community~~
25 ~~Development Office of Community and Economic Development~~. Any
26 purchases made as a result of that coordination shall must be by
27 competitive bid.

28 Sec. C-47. 12 MRSA §8003, sub-§3, ¶P, as enacted by PL 1989,
29 c. 555, §6, is amended to read:

30 P. The director shall act as a liaison with the Department
31 of Environmental Protection, the Maine Land Use Regulation
32 Commission, the Department of Inland Fisheries and Wildlife,
33 the Office of Community and Economic Development, Bureau of
34 Comprehensive Land Use Planning and the Cooperative
35 Extension Service on forestry issues.

36 Sec. C-48. 12 MRSA §8867, sub-§1, ¶C, as enacted by PL 1989,
37 c. 555, §10, is amended to read:

38 C. Consult with the ~~director~~ Director of the Office of
39 Community and Economic Development, Bureau of Comprehensive
40 Land Use Planning to ensure that municipalities can

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2 integrate any rules into their comprehensive planning
process.

4 Sec. C-49. 20-A MRSA §12704, sub-§2, ¶E, as amended by PL
1987, c. 534, Pt. B, §§11 and 23, is further amended to read:

6
8 E. The economic development programs overseen by the
10 ~~Department of Economic and Community Development Office of~~
Community and Economic Development, or its successor, and
12 other economic development programs and agencies throughout
the State;

14 Sec. C-50. 20-A MRSA §12705, sub-§1, ¶E, as amended by PL
1991, c. 140, §2, is further amended to read:

16
18 E. ~~The Commissioner of Economic and Community Development~~
Director of the Office of Community and Economic
20 Development, or the ~~commissioner's~~ director's successor, who
serves ex officio;

22 Sec. C-51. 23 MRSA §7105, sub-§3, ¶A, as amended by PL 1989,
c. 626, is further amended to read:

24
26 A. Before dismantling any track that results in a cessation
of rail service upon all or part of a railroad line, or
28 offering any railroad property for sale, or upon the
abandonment of service along all or a portion of a railroad
30 line, the department shall must be given the first option to
lease or purchase, on just and reasonable terms, the
32 railroad line, any part of the railroad line or other
property. In the event that a lease is negotiated for the
rights-of-way, the department shall consult with municipal
34 officials and officers in the municipalities affected by the
abandonment of service along the line to determine the need
36 for preserving the rights-of-way along the abandoned portion
of the line for rail transportation. If the department
38 finds that the welfare of the State would be significantly
and adversely affected by the loss of the line for railroad
40 transportation purposes, the department shall seek to
negotiate the purchase of the abandoned portion of the
42 line. In making this determination, the department shall
consider, among other criteria deemed significant by the
44 department, future economic development activities and
opportunities in the area served by the abandoned railroad
46 service. In addition, the department shall consult with the
~~Department of Economic and Community Development Office of~~
48 Community and Economic Development, the Department of

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2 Conservation and the State Planning Office in making the
determination required in this section.

4 The department shall, in good faith, seek to lease the
6 railroad rights-of-way until it finds that the preservation
of the rights-of-way is not necessary for the welfare of the
8 State or until the voters of the State approve or
disapprove, at a statewide election, the issue of bonds to
10 purchase the rights-of-way along the abandoned portion of
the line.

12 Nothing in this paragraph may require the department to
14 lease or purchase the railroad rights-of-way to an entire
railroad line or any portion of the line for which railroad
16 service has been abandoned if the railroad corporation owner
does not intend to sell, lease or in any other way dispose
18 of the rights-of-way by which railroad service could be
easily restored along the abandoned service portion of the
line.

20 Sec. C-52. 25 MRSA §2465, sub-§5-A, as amended by PL 1989, c.
22 501, Pt. DD, §32, is further amended to read:

24 5-A. Safety information. No new factory-built fireplace,
fireplace stove or solid fuel burning room heater may be sold in
26 retail trade, unless the seller provides the buyer, on or before
the sale, with an installation instruction manual or, ~~in-the-case~~
28 where if such a manual is not available, with a publication of
the ~~Department-of-Economic-and-Community-Development~~ Office of
30 Community and Economic Development, Bureau of Energy Conservation
containing recommended clearances the same as those prescribed in
32 the National Fire Protection Association Code #211, The Standards
for Chimneys, Fireplaces, Vents and Solid Fuel Burning
34 Appliances, as approved by the Office of the State Fire Marshal.

36 Sec. C-53. 25 MRSA §2465, sub-§6, as amended by PL 1991, c.
198, §4, is further amended to read:

38 6. Penalty. Any person who, for compensation, constructs
40 or installs vents or solid fuel burning appliances in violation
of the standards, and permits such violation to remain
42 uncorrected after 30 days' notice from any official empowered to
enforce this section, ~~shall-be-considered~~ is guilty of a civil
44 violation and shall-be is subject to a forfeiture of not more
than \$500 for each violation. The court may waive any penalty or
46 cost against any violator upon satisfactory proof that the
violation was corrected within 30 days of the issuance of a

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2 complaint. Construction and installation of chimneys and
fireplaces are governed by Title 32, chapter 125.

4 Any person who fails to provide a purchaser with an instruction
6 manual or the authorized publication of the ~~Department--of~~
~~Economic--and--Community--Development~~ Office of Community and
8 Economic Development, Bureau of Energy Conservation, as described
10 in subsection 5-A, commits a civil violation for which a
12 forfeiture of not less than \$200 nor more than \$500 for the first
offense and not less than \$500 nor more than \$800 for each
subsequent offense ~~must~~ may be adjudged. In addition to the
civil penalty provided in this subsection, any violation of this
chapter constitutes a violation of Title 5, chapter 10.

14 Sec. C-54. 26 MRSA §3, as amended by PL 1987, c. 534, Pt. B,
16 §§14 and 23, is further amended to read:

18 **§3. Records confidential**

20 All information and reports recorded by the ~~director~~
22 Director of Labor Standards or his the director's authorized
agents under this Title shall ~~be~~ are confidential, and no names
24 of individuals, firms or corporations may be used in any reports
of the director nor made available for public inspection.
26 Records pertaining to the work force, employment patterns, wage
rates, poverty and low-income patterns, economically distressed
28 communities and regions and other similar information and data
shall ~~must~~ be made available to the ~~Department--of--Economic--and~~
~~Community--Development--and--to~~ the State Planning Office and the
30 Office of Community and Economic Development for the purposes of
analysis and evaluation, measuring and monitoring poverty and
32 economic and social conditions throughout the State and to
promote economic development with the understanding that the
34 confidentiality of the information will be maintained.

36 Sec. C-55. 26 MRSA §1452, as amended by PL 1989, c. 700, Pt.
A, §106, is further amended to read:

38 **§1452. Maine Occupational Information Coordinating Committee**

40 The Maine Occupational Information Coordinating Committee,
42 as established by Title 5, chapter 379, shall support the
development, maintenance and operation of the Comprehensive
44 Career, Occupational and Economic Data-based System and foster
communication and coordination of education, employment and
46 training programs through the use of the system. The committee
shall ~~consist~~ consists of the Commissioner of Labor, the
48 Commissioner of Human Services, the Commissioner of Education,

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2 ~~Commissiener--of--Economic--and--Community--Development~~ the Director
3 of the Office of Community and Economic Development, the Director
4 of the State Planning Office and the chairs of the Maine Human
5 Resource Development Council, the State Board of Education and
6 the Board of Trustees of the Maine Technical College System. The
7 Commissioner of Labor and the Commissioner of Education may serve
8 as the representatives of the chairs of the Maine Human Resource
9 Development Council and the State Board of Education,
10 respectively, upon the agreement of that designation by the Maine
11 Human Resource Development Council and the State Board of
12 Education. The Commissioner of Labor ~~shall-be~~ is the chair of
13 the committee, with the Department of Labor serving as the fiscal
14 agent for the committee.

15 **Sec. C-56. 26 MRSA §2005, sub-§3, ¶B,** as repealed and replaced
16 by PL 1989, c. 878, Pt. A, §73, is amended to read:

17 B. The Governor shall appoint 7 members representing any of
18 the following:

19 (1) Representatives of state bodies, such as the
20 Department of Education, the ~~Department-of-Economic-and~~
21 ~~Community-Development~~ Office of Community and Economic
22 Development, the Department of Labor, the Department of
23 Human Services, the Maine Occupational Information
24 Coordinating Committee, the University of Maine System,
25 the Maine Technical College System and other agencies
26 that the Governor determines have a direct interest in
27 employment and training and human resource utilization
28 within the State; and
29

30 (2) Representatives of municipalities or counties who
31 are nominated by the municipal officers or the county
32 commissioners and representatives of local education
33 agencies who are nominated by those agencies.
34

35 **Sec. C-57. 30-A MRSA §2341, sub-§2,** as amended by PL 1989, c.
36 104, Pt. C, §§8 and 10, is further amended to read:

37 2. **Revisions.** The Governor, after consulting with the
38 ~~Department--of--Economic--and--Community--Development~~ Office of
39 Community and Economic Development, regional councils and the
40 officers of the municipalities and counties involved, may revise
41 the district boundaries to reflect changing conditions or
42 otherwise to fulfill the purposes of this subchapter.
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2 Sec. C-58. 30-A MRSA §2342, sub-§1, ¶¶A and B, as amended by
PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

4 A. When 2 or more contiguous regional councils are
affected, and the ~~Department--of--Economic--and--Community~~
6 Development Office of Community and Economic Development
determines that:

8 (1) A project clearly concerns the jurisdictional area
10 of only one regional council, that council is the
authorized review agency; or

12 (2) A project clearly concerns the jurisdictional area
14 of 2 or more councils, joint receipt and review and
comment is required.

16 B. When the ~~Department---of---Economic---and---Community~~
18 Development Office of Community and Economic Development
determines that a project clearly concerns both incorporated
20 and unincorporated areas within a district, joint receipt
and review and comment by the affected regional council or
22 councils and the Maine Land Use Regulation Commission is
required.

24 Sec. C-59. 30-A MRSA §3272, sub-§2, ¶A, as amended by PL 1989,
26 c. 501, Pt. DD, §34, is further amended to read:

28 A. The commission may seek technical assistance from the
~~Department--of--Economic--and--Community--Development~~ Office of
30 Community and Economic Development, Bureau of Energy
32 Conservation. That department bureau shall notify local
energy commissions, in writing, of plans and projects that
may affect those commissions, if the commission so requests.

34 Sec. C-60. 30-A MRSA §3272, sub-§3, as amended by PL 1989, c.
36 501, Pt. DD, §35, is further amended to read:

38 3. Notice of formation; records, annual report. The
commission shall notify the ~~Department--of--Economic--and--Community~~
40 Development Office of Community and Economic Development, Bureau
of Energy Conservation of its formation. The commission shall
42 keep records of its meetings and activities and shall make an
annual report to the municipality.

44 Sec. C-61. 30-A MRSA §4301, sub-§6-B is enacted to read:
46

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2 6-B. Division. "Division" means the Community Planning
3 Division within the Office of Community and Economic Development.

4 Sec. C-62. 30-A MRSA §4344, first ¶, as enacted by PL 1989, c.
5 104, Pt. A, §45 and Pt. C, §10, is amended to read:

6 There is established a program of technical and financial
7 assistance and incentives to regional councils and municipalities
8 to encourage and facilitate the adoption and implementation of
9 local growth management programs throughout the State. The
10 office division shall administer the program.

11 Sec. C-63. 30-A MRSA §4344, sub-§1, as amended by PL 1989, c.
12 908, §§2 and 3, is further amended to read:

13 1. **Municipal assistance priorities.** With assistance from
14 regional councils and municipalities, the office division shall
15 develop a priority list and establish funding levels for planning
16 and technical assistance grants to municipalities. Priority for
17 assistance shall-be is based on a municipality's:

18 A. Scheduled comprehensive plan development under section
19 4343, subsection 1; and

20 B. Population growth rates, seasonal population estimates,
21 commercial and industrial development rates, the existence
22 and quality of a comprehensive plan and other relevant
23 factors; ~~and,~~

24 C. ~~Designation as a job opportunity zone as defined in~~
25 ~~Title 5, chapter 403.~~

26 The office division shall submit biennial budget requests for
27 this section sufficient to meet the statutory schedule
28 established under section 4343, subsection 1.

29 Sec. C-64. 30-A MRSA §4344, sub-§2, as enacted by PL 1989, c.
30 104, Pt. A, §45 and Pt. C, §10, is amended to read:

31 2. **Municipal planning assistance.** The office division
32 shall develop and administer a grant program to provide direct
33 financial assistance to municipalities in the preparation of
34 comprehensive plans under this subchapter. The office division
35 shall establish provisions for municipal matching funds, not to
36 exceed 25%, to conduct activities under this section. Grants may
37 be expended for any purpose directly related to the preparation
38 of a municipal comprehensive plan as the municipality and the
39 office division may agree, including, without limitation:

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- 2 A. The conduct of surveys, inventories and other data
gathering activities;
- 4 B. The hiring of planning and other technical staff;
- 6 C. The retention of planning consultants;
- 8 D. Contracts with regional councils for planning and
10 related services; and
- 12 E. Other related purposes.

14 Sec. C-65. 30-A MRSA §4344, sub-§§3 and 4, as amended by PL
1989, c. 562, §14, are further amended to read:

16 3. Municipal technical assistance. The effice division
18 shall establish a program of technical assistance using its own
staff, the staff of other state agencies and the resources of
20 regional councils to help municipalities develop, administer and
enforce local growth management programs. By January 1, 1990,
22 the effice division shall develop a set of model land use
ordinances and other mechanisms consistent with the goals and
24 guidelines of this subchapter.

26 4. Municipal implementation assistance. The effice
division shall develop and administer a matching grant program to
28 provide direct financial and technical assistance to
municipalities for the development and implementation of local
30 growth management programs. The maximum municipal cost share may
not exceed 25%. The grants may be expended for any purpose
32 directly related to the preparation of policies, programs and
land use ordinances implementing a comprehensive plan that is
34 consistent with this subchapter. Eligible activities include,
but are not limited to:

- 36 A. Assistance in the development of ordinances;
- 38 B. Retention of technical and legal expertise for
40 permitting activities; and
- 42 C. The updating of local growth management programs or
components of the program.

44 Sec. C-66. 30-A MRSA §4344, sub-§§5 and 6, as enacted by PL
46 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

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2 5. **Regional council assistance.** The effise division shall
4 develop and administer a program to develop regional education
6 and training programs, regional policies to address state goals
8 and regional assessments. These assessments may include, but are
10 not limited to, public infrastructure, inventories of
12 agricultural and commercial forest lands, housing needs,
14 recreation and open space needs, and projections of regional
growth and economic development. The effise division shall
establish guidelines to ensure methodological consistency among
the State's regional councils. The effise division shall also
develop and administer a series of contracts with regional
councils to support the involvement of the regional councils in
the effise's division's review of local growth management
programs.

16 6. **Enforcement assistance program.** The effise division
18 shall administer a program of training and financial assistance
20 for municipal code enforcement officers. For a period of up to
22 12 months for any municipal code enforcement officer, the program
shall must provide funding for educational expenses leading to
certification under section 4451 and salary reimbursement while
in training.

24 **Sec. C-67. 30-A MRSA §4344, sub-§7,** as amended by PL 1989, c.
26 562, §14, is further amended to read:

28 7. **Municipal legal defense fund.** The effise division shall
30 develop and administer a nonlapsing municipal legal defense fund
32 to assist municipalities with legal expenses related to the
34 enforcement and defense of land use ordinances. Grants shall
36 must be targeted to cases of statewide significance. After 2
38 years subsequent to the applicable deadline dates established
under section 4343, subsection 1, assistance under this
subsection is limited to the enforcement and defense of land use
ordinances adopted as part of a certified local growth management
program in accordance with this subchapter. The balance of the
fund shall may not exceed \$250,000 at any time. Amounts in
excess of this \$250,000 limit shall lapse to the General Fund.

40 **Sec. C-68. 30-A MRSA §4753, first ¶,** as enacted by PL 1989, c.
42 48, §§3 and 31, is amended to read:

44 The Maine State Housing Authority, municipal housing
46 authorities, municipalities and the ~~Department of Economic and
Community Development~~ Office of Community and Economic
Development shall cooperate in the coordination of resources and
48 programs and the development of housing for low-income and
moderate-income households.

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2 Sec. C-69. 30-A MRSA §4753, sub-§2, as enacted by PL 1989, c.
4 914, §4, is amended to read:

6 2. Assessment of housing stock. The Maine State Housing
8 Authority in conjunction with municipalities and the Department
10 of ~~Economic and Community Development~~ Office of Community and
12 Economic Development shall conduct a comprehensive assessment of
the availability and quality of information on the supply,
prices, condition and age of the State's housing. The assessment
must include data collected by towns, the State, the Federal
Government and other relevant sources.

14 The Maine State Housing Authority shall report its findings to
16 the Governor and the Legislature biennially, beginning March 1,
18 1991, on the adequacy of data collection and shall recommend ways
20 to improve the type and quality of data collected as well as any
other recommendations needed to ensure that the State has an
accurate statistical understanding of the supply, prices and
condition of the State's housing.

22 Sec. C-70. 30-A MRSA §4912, first ¶, as amended by PL 1989, c.
24 501, Pt. DD, §36, is further amended to read:

26 The Maine State Housing Authority in consultation with the
28 Department ~~of Economic and Community Development~~ Office of
30 Community and Economic Development shall develop guidelines
defining energy improvements which may be made with proceeds of
home improvement notes.

32 Sec. C-71. 30-A MRSA §5033, sub-§2, as enacted by PL 1989, c.
34 601, Pt. B, §4, is amended to read:

36 2. Selection process. In selecting municipalities to
38 receive funds from the Municipal Land Acquisition Revolving Fund,
40 the alliance shall include in the selection process, one or more
42 representatives from the staff of the authority. The director of
44 the alliance, in consultation with the ~~commissioner~~ Director of
46 the Office of Community and Economic Development, shall select
the municipalities to receive grants or loans from the fund. In
selecting nonprofit housing corporations to receive funds from
the Maine Affordable Housing Land Trust Fund, the executive
director of the authority shall include one or more
representatives from the housing alliance in the selection
process.

48 Sec. C-72. 30-A MRSA §5041, as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

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2 §5041. Task force created

4 The Interagency Task Force on Homelessness and Housing
6 Opportunities, established in accordance with Title 5, chapter
8 administration and implementation of this chapter to the state
10 authority, the department Department of Human Services, Bureau of
Child and Family Services, the Governor and the Legislature.

12 Sec. C-73. 30-A MRSA §5042, sub-§1, ¶A, as amended by PL 1989,
c. 700, Pt. A, §128, is further amended to read:

14 A. The commissioners or their designees of:

- 16 (1) The Department of Human Services;
- 18 (2) The Department of Labor;
- 20 (3) The Department of Corrections;
- 22 (4) The Department of Education; and
- 24 ~~(5) The Department of Economic and Community~~
26 ~~Development; and~~
- 28 ~~(6)~~ (5) The Department of Mental Health and Mental
Retardation;

30 Sec. C-74. 30-A MRSA §5042, sub-§1, ¶B, as enacted by PL 1989,
c. 601, Pt. B, §4, is amended to read:

32 B. The ~~Directors~~ directors of:

- 34 (1) The Maine State Housing Authority; and
- 36 ~~(2) The Division of Community Services;~~
- 38 (2) The Bureau of Child and Family Services.

40 Sec. C-75. 30-A MRSA §5042, sub-§4, as enacted by PL 1989. c.
42 601, Pt. B, §4, is amended to read:

44 4. Staff. The authority and the department Department of
46 Human Services, Bureau of Child and Family Services shall provide
48 staff support to the interagency task force. State agencies
represented on the task force shall also provide assistance when
requested.

2 Sec. C-76. 30-A MRSA §5253, sub-§1, ¶E, as repealed and
4 replaced by PL 1989, c. 104, Pt. A, §47 and amended by PL 1989,
c. 508, §5, is repealed and the following enacting in its place:

6 E. The designation of captured assessed value of property
8 within a tax increment financing district is subject to the
following limitations.

10 (1) The Director of the Office of Community and
12 Economic Development shall adopt any rules necessary to
14 allocate or apportion the designation of captured
assessed value of property within tax increment
financing districts in accordance with these
limitations.

16 (2) Fifteen percent of the project costs for the
18 development program must be incurred within 9 months of
20 the designation of the tax increment financing district
22 by the Director of the Office of Community and Economic
Development. The development program must be completed
within 5 years of the designation of the tax increment
financing district by the director.

24 Sec. C-77. 30-A MRSA §5253, sub-§1, ¶F, as amended by PL 1989,
26 c. 104, Pt. C, §§8 and 10, is further amended to read:

28 F. Before final designation of a tax increment financing
30 district, the ~~Commissioner of Economic and Community~~
Development Director of the Office of Community and Economic
32 Development shall review the proposal to ensure that it
34 complies with statutory requirements and shall identify tax
36 shifts within the county where the district will exist. A
38 designation under this subsection is effective upon approval
40 by the municipal legislative body and, for tax increment
financing districts, the ~~Commissioner of Economic and~~
Community-Development director. If the municipality has a
charter, the designation shall must be done in accordance
with the provisions of the charter.

42 Sec. C-78. 32 MRSA §8002, as amended by PL 1989, c. 501, Pt.
DD, §37, is further amended to read:

44 **§8002. Installation training**

46 The Department of Economic and Community Development Office
of Community and Economic Development, Bureau of Energy

2 Conservation shall establish a voluntary training program for installers of solar energy equipment.

4 This training program shall must consist of a minimum of 15
6 hours of instruction in the various aspects of solar energy
8 system installation. The course content for the installation
10 training program shall must be developed by the ~~Department-of-~~
12 ~~Economic-and-Community-Development~~ bureau, in cooperation with
14 the Plumbers' Examining Board. The ~~Department-of-Economic-and-~~
16 ~~Community-Development~~ bureau shall, in accordance with the Maine
18 Administrative Procedure Act, Title 5, chapter 375, promulgate
20 adopt all necessary rules pertaining to qualifications,
22 certification and recertification of solar energy and inspection
24 thereof, consistent with this chapter.

16 Sec. C-79. 32 MRSA §8003, as amended by PL 1989, c. 501, Pt.
18 DD, §38, is further amended to read:

18 **§8003. Installer certification**

20 Upon notice from the ~~Department-of-Economic-and-Community~~
22 ~~Development Office of Community and Economic Development, Bureau~~
24 ~~of Energy Conservation~~, the Department of Professional and
26 Financial Regulation shall issue solar energy installer's
28 certificates to those individuals who meet the requirements
listed in this section. The Department of Professional and
Financial Regulation shall keep all relevant records. The
following requirements shall must be met:

30 1. Training course and examination. Attendance of a
32 minimum of 15 hours at a ~~Department-of-Economic-and-Community-~~
34 ~~Development-sponsored~~ an installation training course sponsored
by the Bureau of Energy Conservation and successful completion of
a written examination encompassing solar energy installation
techniques;

36 2. Experience. Proof of at least one year of experience in
38 the installation of solar energy equipment and proof of
40 installation of at least 5 solar energy units, subject to an
approved inspection by the ~~Department-of-Economic-and-Community-~~
42 ~~Development Bureau of Energy Conservation~~; or

44 3. Competency in installation. Completion of a solar
46 energy installation training course which that is determined by
the ~~Department-of-Economic-and-Community-Development~~ Bureau of
48 Energy Conservation to equip an individual with the skills
necessary to achieve competency in the installation of solar
energy equipment.

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2 Sec. C-80. 32 MRSA §8004, first ¶, as amended by PL 1989, c.
501, Pt. DD, §39, is further amended to read:

4
6 ~~The Department of Economic and Community Development Office~~
~~of Community and Economic Development, Bureau of Energy~~
8 Conservation, in coordination with the Department of Professional
10 and Financial Regulation, shall investigate or cause to be
12 investigated all complaints against certified solar energy
14 installers and all cases of violations of this chapter. The
~~Department of Economic and Community Development~~ bureau may
refuse to renew the certification and the Administrative Court
may suspend or revoke the certification of a solar energy
installer who is found guilty of:

16 Sec. C-81. 32 MRSA §8023, as amended by PL 1989, c. 501, Pt.
DD, §40, is further amended to read:

18 §8023. Certification

20 ~~The Department of Economic and Community Development Office~~
22 of Community and Economic Development, Bureau of Energy
Conservation shall issue energy auditors' certificates to those
24 individuals who meet the requirements listed in this section. The
~~Department of Economic and Community Development~~ bureau shall
26 maintain all relevant records.

28 1. **Examination.** Individuals must successfully complete a
written examination administered by the ~~Department of Economic~~
30 ~~and Community Development~~ Bureau of Energy Conservation, or an
examination which that receives the approval of the ~~Department of~~
32 ~~Economic and Community Development~~ bureau, encompassing energy
auditing techniques. Separate examinations for residential and
34 commercial building audits shall must be administered.

36 2. **Experience.** Individuals must demonstrate proof of
completion of at least 5 energy audits, subject to an approval
38 inspection by the ~~Department of Economic and Community~~
Development Bureau of Energy Conservation.

40 3. **Existing auditors grandfathered.** All energy auditors
42 certified by the former Office of Energy Resources in accordance
with the National Energy Conservation and Policy Act, Public Law
44 95-619, as of the effective date of this chapter are certified
for purposes of this chapter.

46 Sec. C-82. 32 MRSA §8024, as amended by PL 1989, c. 501, Pt.
48 DD, §41, is further amended to read:

2 §8024. Fees

4 ~~The Commissioner of Economic and Community Development~~
6 Director of the Office of Community and Economic Development may
8 establish reasonable fees for the issuance and renewal of energy
10 auditors' certificates, based on the cost of certification. The
fees shall must be paid to the Treasurer of State to be used by
the ~~Department of Economic and Community Development~~ Bureau of
Energy Conservation for the purposes of this chapter.

12 Sec. C-83. 32 MRSA §8025, first ¶, as amended by PL 1989,
c.501, Pt. DD, §42, is further amended to read:

14 ~~The Department of Economic and Community Development Office~~
16 of Community and Economic Development, Bureau of Energy
18 Conservation shall investigate, or cause to be investigated, all
complaints against certified energy auditors and all cases of
20 violations of this chapter. The ~~Department of Economic and~~
~~Community Development~~ bureau may refuse to renew the
22 certification, or the Administrative Court may suspend or revoke
the certification, of an energy auditor who is found guilty of:

24 Sec. C-84. 32 MRSA §8027, as amended by PL 1989, c. 501, Pt.
DD, §43, is further amended to read:

26 §8027. Renewals

28 All certificates shall expire on December 31st of the 2nd
30 year following issuance or at such other times as the
~~Commissioner of Economic and Community Development~~ Director of
32 the Office of Community and Economic Development may designate.

34 The certificates may be renewed on a biennial basis without
further examination upon the payment of the proper fee. The
36 ~~Department of Economic and Community Development~~ Bureau of Energy
Conservation shall notify each person registered under this
38 chapter of the date of expiration of that person's certificate
and the amount of fee required for the certificate renewal for a
40 2-year period. The notice shall must be mailed to the person's
last known address at least 30 days prior to the expiration date
42 of the certificate. Any person, who fails to renew the
certificate within a period of 90 days following the expiration
44 date, may be required by the ~~Department of Economic and Community~~
~~Development~~ bureau to take an examination in order to be
46 recertified.

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2 Sec. C-85. 32 MRSA §8028, as amended by PL 1989, c. 501, Pt.
DD, §44, is further amended to read:

4 §8028. Rules

6 ~~The Department of Economic and Community Development Office~~
7 ~~of Community and Economic Development, Bureau of Energy~~
8 ~~Conservation~~ may, in accordance with the Maine Administrative
9 Procedure Act, Title 5, chapter 375, adopt rules necessary to
10 implement this chapter.

12 Sec. C-86. 34-A MRSA §3035-A, sub-§1, as enacted by PL 1989,
c. 587, §1, is amended to read:

14 1. ~~Feasibility analysis.~~ The commissioner, ~~together with~~
15 ~~the Department of Economic and Community Development, Office of~~
16 ~~Waste Recycling and Reduction,~~ shall study the feasibility of
17 establishing a prison program to train and employ inmates in the
18 salvaging and recycling of solid waste. The term "salvaging"
19 means the reclaiming of paper, glass, metals, wood and other
20 materials commonly found in solid waste. The term "recycling"
21 means the converting of salvaged waste into useful products. The
22 commissioner shall coordinate the study with existing state
23 recycling efforts including those conducted at the Augusta Mental
24 Health Institute. The commissioner shall report the results of
25 this study to the joint select and joint standing committees of
26 the Legislature having jurisdiction over energy and natural
27 resource matters, appropriations and financial affairs, and
28 corrections matters, on or before January 1, 1990.

30 Sec. C-87. 34-B MRSA §1214, sub-§3, as amended by PL 1989, c.
31 700, Pt. A, §163 and c. 729, is repealed and the following
32 enacted in its place:

34 3. Membership. The council is composed of 4 members: the
35 Commissioner of Corrections; the Commissioner of Education; the
36 Commissioner of Human Services; and the Commissioner of Mental
37 Health and Mental Retardation.

38 Sec. C-88. 36 MRSA §5285, sub-§§1 and 2, as amended by PL 1987,
39 c. 402, Pt. A, §193, are further amended to read:

41 1. Maine Children's Trust Fund. Taxpayers who, when filing
42 their returns, are entitled to a refund under this Part may
43 designate a portion of that refund, to be paid into the Maine
44 Children's Trust Fund established in Title 22, chapter 1052
45 1052-A. Each individual in substantially the following form:

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"Contributions to Maine Children's Trust Fund: () \$1, () \$5,
() \$10 or () Other \$."

2. Contributions credited to the Maine Children's Trust Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, he the State Tax Assessor shall deduct the cost of administering the Maine Children's Trust Fund checkoff, but not exceeding \$2,000 annually, and report the remainder to the Treasurer of State, who shall credit that amount to the Maine Children's Trust Fund, which is established in Title 22, chapter ~~1052~~ 1052-A. Interest earned by contributions in the fund shall must be credited to the fund.

Sec. C-89. 36 MRSA §6220, as amended by PL 1989, c. 878, Pt. B, §38, is further amended to read:

§6220. Coordination required

The Bureau of Taxation shall seek the advice and cooperation of the Bureau of Elder and Adult Services; the Bureau of Income Maintenance; ~~the Division of Community Services~~; advocates for elderly and low-income individuals; the Maine Literacy Coalition; and other interested agencies and organizations in developing the application form and instruction booklet for the Maine Residents Property Tax Program and the outreach plan required by section 6219.

Sec. C-90. 38 MRSA §361-A, sub-§1-F, as enacted by PL 1987, c. 787, §12, is amended to read:

1-F. Affordable housing. "Affordable housing" means dwellings, apartments or other living accommodations for households making at or below 80% of the median household income as determined by the ~~Department of Economic and Community Development~~ Maine State Housing Authority.

Sec. C-91. 38 MRSA §489-A, sub-§3, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §98, is further amended to read:

3. Certification. A municipality certified by the ~~Department of Economic and Community Development~~ Office of Community and Economic Development under Title 30-A, chapter 191, may be registered if the board finds the municipality has fulfilled the requirements of subsection 2 and applies to be registered.

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2 Sec. C-92. 38 MRSA §2134, sub-§2, as enacted by PL 1989, c.
585, Pt. A, §7, is amended to read:

4 2. Incentive program. An incentive program to encourage
end users of materials to be recycled to locate or expand their
6 operations within the State. The office shall consult with the
Finance Authority of Maine and the ~~Department--of--Economic--and~~
8 ~~Community---Development~~ Office of Community and Economic
Development in developing this element;

10 PART D

12 Sec. D-1. 22 MRSA, §5311-A is enacted to read:

14 §5311-A. Head Start; Maine Children's Trust Fund

16 The Director of the Bureau of Child and Family Services
18 shall administer the following programs:

20 1. Head Start. The Head Start program; and

22 2. Maine Children's Trust Fund. The Maine Children's Trust
24 Fund established in chapter 1052-A.

26 Sec. D-2. 22 MRSA, c. 1052, as amended, is repealed.

28 Sec. D-3. 22 MRSA, c. 1052-A is enacted to read:

30 CHAPTER 1052-A

32 MAINE CHILDREN'S TRUST FUND

34 §3731. Definitions

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

38 1. Board. "Board" means the Board of the Maine Children's
40 Trust Fund.

42 2. Director. "Director" means the Director of the Bureau
of Child and Family Services within the Department of Human
44 Services.

46 3. Eligible organization. "Eligible organization" means a
nonprofit organization, local government or public school system.

48 4. Fund. "Fund" means the Maine Children's Trust Fund.

2 5. Prevention programs. "Prevention programs" means
3 programs, plans or training associated with the prevention of
4 child abuse, child neglect or mental illness or with other
5 factors associated with the physical and emotional well-being of
6 the youth of the State, including strategies to alleviate
7 problems associated with behavior prohibited by law, but not
8 adjudicated as a juvenile crime.

10 §3732. Maine Children's Trust Fund

12 1. Establishment. There is established the Maine
13 Children's Trust Fund, which receives money deposited by the
14 Treasurer of State pursuant to Title 36, section 5285.

16 2. Purpose. The purpose of the Maine Children's Trust Fund
17 is to provide a mechanism for voluntary contributions by Maine
18 taxpayers through an income tax checkoff for funding of direct
19 program services designed to prevent abuse, neglect and mental
20 illness among Maine children. This funding is intended primarily
21 to support local prevention programs that do not duplicate other
22 state-funded programs.

24 §3733. Board; establishment

26 1. Establishment. The Board of the Maine Children's Trust
27 Fund is established pursuant to Title 5, section 12004-G,
28 subsection 16.

30 2. Membership. The board shall consist of 9 public members
31 appointed by the Governor. The members are appointed for terms of
32 3 years, except, of those first appointed, 3 must be appointed
33 for a term of 3 years, 3 must be appointed for a term of 2 years
34 and 3 must be appointed for a term of one year. The public
35 members must, as far as practicable, be representative of the
36 following groups: parents; business and labor; the legal
37 community; the religious community; and providers of child abuse
38 and neglect prevention services. Vacancies must be filled by the
39 Governor for the remainder of the term vacated. The director is
40 an ex officio, nonvoting member of the board.

42 3. Officers. The Governor shall annually appoint one of
43 the public members to serve as chair of the board. The board may
44 elect, from among its members, other officers and committees as
45 it considers appropriate.

46 4. Compensation. The members are entitled to compensation
47 according to the provisions of Title 5, chapter 379.

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2 5. Meetings. The board shall meet at least once annually
and 5 members of the board constitute a quorum.

4 6. Advice and consultation. The Commissioner of
6 Corrections, the Commissioner of Education, the Commissioner of
8 Human Services, the Commissioner of Mental Health and Mental
10 Retardation and the Commissioner of Public Safety shall, upon
 request of the director, provide the board with technical
 information and advice.

12 §3734. Powers; duties

14 The powers and duties of the board and the director are
 prescribed as follows.

16 1. Plan. The board shall develop an annual, biennial state
18 plan for the distribution of money in the fund and distribute
20 money in accordance with that plan. In developing the plan, the
 board shall:

22 A. Review and evaluate existing prevention programs;

24 B. Assure that an equal opportunity exists for the
26 establishment of prevention programs and receipt of fund
 money among all geographic areas in the State; and

28 C. Submit the plan to the Legislature annually.

30 2. Exchange of information. The board shall provide for
32 the coordination and exchange of information on the establishment
 and maintenance of prevention programs.

34 3. Criteria for awarding grants. The board shall develop
36 and publicize criteria for awarding grants to eligible
 organizations.

38 4. Grants. The board shall review applications for grants
40 and shall recommend those applications that it considers best
 address the purposes of the fund to the director for approval.

42 5. Review. The board shall monitor the expenditure of
44 grants awarded pursuant to this chapter.

46 6. Education. The director shall provide statewide
48 education and public information to develop public awareness
 concerning child abuse, neglect and mental illness.

2 7. Contracts. The director may enter into contracts with
3 public or private agencies or accept any grants or gifts from any
4 federal, state or private source to carry out this chapter.

6 8. Recommendations. The board shall make recommendations
7 to the Governor and the Legislature concerning changes in state
8 laws, rules, programs or policies that will reduce the problem of
9 child abuse, neglect and mental illness and improve coordination
10 among agencies that provide prevention services.

12 9. Rules. The director, in consultation with the board,
13 shall adopt rules to implement this chapter.

14 10. Staff. The director shall provide staff assistance to
15 the board when the director determines such staff assistance to
16 be necessary.

18 §3735. Disbursement of fund money

20 1. Procedure. The director shall, by rule, establish a
21 procedure and form for receipt of applications under this
22 chapter. With the consent of the director, the board may
23 disburse fund money to eligible organizations for the direct
24 services under this chapter.

26 2. Limit on disbursements. Funds may be used only for
27 payment of direct services consistent with this chapter.

28 §3736. Review

30 Beginning in 1993 and every odd-numbered year thereafter,
31 this chapter must be reviewed by the joint standing committee of
32 the Legislature having jurisdiction over human resources, which
33 shall report its findings together with any recommended
34 legislation to each second regular session of the Legislature.

38 **PART E**

40 **Sec. E-1. Positions; abolition and creation**

- 42 1. The following positions are abolished:
- 44 A. Director, Division of Community Services;
 - 46 B. Deputy Director, Division of Community Services;

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- 2 C. Assistant to the Director, Division of Community
Services;
- 4 D. Commissioner, Department of Economic and Community
Development;
- 6 E. One Policy Development Specialist, Department of
8 Economic and Community Development;
- 10 F. One Development Project Officer, Department of
12 Economic and Community Development;
- 14 G. One Administrative Assistant to the Commissioner,
Department of Economic and Community Development;
- 16 H. One Development Project Officer, Department of
18 Economic and Community Development;
- 20 I. Three Development Director positions, Department of
Economic and Community Development;
- 22 J. One Development Program Manager assigned to
24 affordable housing programs within the Office of
Community Development, Department of Economic and
Community Development;
- 26 K. One Development Project Officer assigned to
28 affordable housing programs within the Office of
Community Development, Department of Economic and
30 Community Development; and
- 32 L. One Deputy Commissioner of the former Office of
34 Business Development, Department of Economic and
Community Development.

36 2. The position of Director of the Office of Community and
38 Economic Development is created within the newly created Office
of Community and Economic Development. The Director of the
40 Office of Community and Economic Development is entitled to
compensation at salary range 86.

42 3. All confidential positions within the Division of
44 Community Services and the Department of Economic and Community
Development that are vacant on the effective date of this Act are
46 abolished.

48 **Sec. E-2. Transition provisions.** The following provisions apply
to the reassignment of the duties and responsibilities of

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2 the former Division of Community Services and the former
Department of Economic and Community Development.

4 1. The Department of Human Services is the successor in
every way to the powers, duties and functions of the former
6 Division of Community Services in the areas of Head Start and the
Maine Children's Trust Fund. The Maine State Housing Authority
8 is the successor in every way to the powers, duties and functions
of the former Department of Economic and Community Development
10 and Division of Community Services in the area of low-income
heating energy assistance programs and affordable housing
12 programs.

14 2. The newly established Office of Community and Economic
Development within the Executive Department is the successor in
16 every way to the powers, duties and functions of the following
offices, programs and commissions of the former Department of
18 Economic and Community Development:

20 A. Assistance to development corporations as described in
the Maine Revised Statutes, Title 5, section 13083;

22 B. The Business Assistance Referral and Facilitation
24 Program as described in Title 5, section 13063;

26 C. The Community Industrial Buildings Fund as described in
Title 5, section 13082;

28 D. Film promotion activities as described in Title 5,
30 section 13069-A;

32 E. The historical marker program as described in Title 5,
34 section 13066;

36 F. Tourism activities, the Maine Tourism Commission and the
Travel Promotion Matching Fund Program as described in Title
5, section 13065; section 13067, subsection 2; and section
38 13068 respectively;

40 G. The Office of Comprehensive Land Use Planning and the
administration of the following federal programs: the
42 Growth Management Program, the Technical Assistance Program,
the Code Enforcement Officer Training and Certification
44 Program, the Community Parks and Recreation Program, the
National Heritage Program, the Floodplain Management
46 Program, the Coastal Program and the Foreign Trade Zones
Program;

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2 H. The Community Development Block Grant Program;

4 I. International commerce; and

6 J. Energy conservation.

8 3. The newly established Office of Community and Economic
10 Development within the Executive Department is the successor in
12 every way to the powers, duties and functions of the former
14 Division of Community Services as those powers, duties and
16 functions pertained to administration of the Community Services
18 Block Grant Program.

20 4. The Maine State Housing Authority is the successor in
22 every way to the powers, duties and functions of:

24 A. The Division of Community Services, as those powers,
26 duties and functions pertained to administration of the
28 low-income heating energy assistance programs and
30 homelessness programs; and

32 B. The Department of Economic and Community Development as
34 those powers, duties and functions pertained to the Maine
36 Affordable Housing Alliance or other affordable housing
38 programs.

40 5. Notwithstanding the provisions of the Maine Revised
42 Statutes, Title 5, all accrued expenditures, assets, liabilities,
44 balances or appropriations, allocations, transfers, revenues or
46 other available funds in an account or subdivision of an account
48 of the Division of Community Services must be transferred to the
proper accounts by the State Controller upon the request of the
State Budget Officer and with the approval of the Governor.

6. Notwithstanding the provisions of the Maine Revised
Statutes, Title 5, all accrued expenditures, assets, liabilities,
balances or appropriations, allocations, transfers, revenues or
other available funds in an account or subdivision of an account
of the Department of Economic and Community Development must be
transferred to the proper accounts by the State Controller upon
the request of the State Budget Officer and with the approval of
the Governor.

7. All rules and procedures in effect, in operation or
adopted on the effective date of this Act in or by the former
Division of Community Services or any of its administrative units
or officers remain in effect until rescinded, revised or amended
by the proper authority.

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2 8. All rules and procedures in effect, in operation or
4 adopted on the effective date of this Act in or by the former
6 Department of Economic and Community Development or any of its
administrative units or officers remain in effect until
rescinded, revised or amended by the proper authority.

8 9. All contracts, agreements and compacts in effect on the
10 effective date of this Act in the former Division of Community
Services remain in effect.

12 10. All contracts, agreements and compacts in effect on the
14 effective date of this Act in the former Department of Economic
and Community Development remain in effect.

16 11. Any authorized and allocated positions not specifically
18 deleted in section E-1 of this Act that are subject to the
20 personnel laws of the former Division of Community Services
22 remain authorized. Authorized positions and incumbent personnel
24 in Head Start programs are transferred to the Department of Human
Services. Authorized positions and incumbent personnel in the
Community Services Block Grant Program at the former Division of
Community Services are transferred to the Department of Human
Services.

26 12. The following provisions apply to any state personnel
28 transferred to the Department of Human Services under this Act.

30 A. The employees retain their accrued fringe benefits,
including vacation and sick leave, health and life insurance
and retirement benefits.

32 B. Employees who are members of collective bargaining units
34 on the effective date of this Act remain members in their
36 respective bargaining units and retain all rights,
privileges and benefits provided by their collective
bargaining agreements with respect to state service.

38 C. Employees who are members of the Maine State Retirement
40 System remain members of the Maine State Retirement System.

42 D. The Department of Administration, Bureau of Human
44 Resources shall assist with the orderly implementation of
these provisions.

46 13. Authorized positions and incumbent personnel in the
48 Low-Income Heating Energy Assistance Program of the former
Division of Community Services who are transferred to the Maine

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2 State Housing Authority under this Act are subject to the
following provisions.

4 A. Transferred employees may, at their option, remain state
6 employees as long as they remain continuously in their
current positions or in other positions that were
8 transferred from the Division of Community Services on the
effective date of this Act. Employees who do not remain
10 state employees become employees of the Maine State Housing
Authority with the rights and obligations of other authority
employees.

12 B. Transferred employees who remain state employees retain
14 their accrued fringe benefits associated with state
employment, including vacation and sick leave and health and
16 life insurance, as long as they continue as state employees.

18 C. Transferred employees who remain state employees and who
are members of collective bargaining units on the effective
20 date of this Act remain members in their respective
bargaining units and retain all rights, privileges and
22 benefits provided by their collective bargaining agreements
with respect to state service as long as they remain state
24 employees.

26 D. Transferred employees who elect to remain state
employees remain members of the Maine State Retirement
28 System as long as they remain state employees.

30 E. The Maine State Housing Authority shall reimburse the
State for all costs related to the transferred employees who
32 elect to remain state employees. The reimbursement includes
the employer's share of contributions to the Maine State
34 Retirement System for those employees.

36 F. The designation of the positions of transferred
employees who remain state employees as positions that may
38 be held by state employees is terminated when those
positions are vacated by those employees transferred by this
40 Act, unless filled by other employees transferred by this
Act who elected to remain state employees. Positions
42 similar to those terminated may be established within the
Maine State Housing Authority.

44 G. The Department of Administration, Bureau of Human
46 Resources shall assist with the orderly implementation of
these provisions.
48

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2 14. All records, property and equipment previously
4 belonging to or allocated for the use of the former Division of
6 Community Services must be transferred to the department or
8 agency to which those programs were transferred. On the
10 effective date of this Act, records, property and equipment
12 assigned to the Head Start program become part of the property of
the Department of Human Services; records, property and equipment
assigned to the Community Services Block Grant Program become
part of the property of the Office of Community and Economic
Development; and all records, property and equipment assigned to
the Low-Income Heating Energy Assistance Program become part of
the property of the Maine State Housing Authority.

14 15. All records, property and equipment previously
16 belonging to or allocated for the use of the former Department of
18 Economic and Community Development must be transferred with the
20 program to which they were assigned, pursuant to Part B of this
22 Act. The records of programs, commissions, offices or divisions
24 that are discontinued or abolished must be properly stored by the
Maine State Archives pursuant to the Maine Revised Statutes,
Title 5, section 95. On the effective date of this Act, property
and equipment assigned to discontinued or abolished programs,
commissions, offices and divisions become part of the property of
the Department of Administration, Bureau of Purchases pursuant to
Title 5, section 1811.

26 16. All existing forms, licenses, letterheads and similar
28 items bearing the name of or referring to the Division of
30 Community Services may be used by the Department of Human
32 Services, the Office of Community and Economic Development and
the Maine State Housing Authority until existing supplies of
those items are exhausted.

34 17. All existing forms, licenses, letterheads and similar
36 items bearing the name of or referring to the Department of
38 Economic and Community Development may be used by the Office of
Community and Economic Development and the Maine State Housing
Authority until existing supplies of those items are exhausted.

40 **Sec. E-3. Reassignment of positions.**

42 1. The incumbent Deputy Commissioner of the former
44 Department of Economic and Community Development, Office of
46 Community Development is transferred to the newly created Office
of Community and Economic Development within the Executive
Department as the Deputy Director of that office at salary range
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2. All other positions within the former Department of Economic and Community Development that are not abolished by this Act are transferred to the newly created Office of Community and Economic Development with their current title and salary range. Except for that position identified in subsection 1, all other positions are transferred with the program to which they were formerly assigned. The Director of the Office of Community and Economic Development shall ensure that those positions are transferred in accordance with this section and in accordance with the organizational structure of the office created in this Act.

Sec. E-4. State plan for the administration of the Low-income Home Energy Assistance Program for the 1992-93 program year. In developing a state plan and rules for the administration of the Low-income Home Energy Assistance Program under the Maine Revised Statutes, Title 30-A, Chapter 201, subchapter XIII for the 1992-93 program year, the authority shall consult with an advisory group that, at a minimum, must consist of representatives of the following entities: Bangor Hydro-Electric Company, Central Maine Power Company, Northern Utilities Company, the Public Advocate, Pine Tree Legal Assistance, the Maine Oil Dealer's Association and the Community Action Program Director's Association. In consultation with this group, the authority shall develop rules for implementation in the 1992-93 program year that targets benefits to applicants with the greatest need as measured to the maximum extent possible by the applicant's actual costs of home energy based on historical usage in relation to the applicant's income. Nothing in this section precludes the consideration in the rules of increased benefits to households with increased danger of hypothermia.

Sec. E-5. Transition provisions. The following provisions apply to the reassignment of the duties and responsibilities of the Department of Economic and Community Development indicated in this Act.

1. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues, the proceeds of general obligation bonds of the State issued or to be issued pursuant to Private and Special Law 1989, chapter 84 or other available funds in an account or subauthority of an account supporting the duties and functions of the programs to be transferred from the Department of Economic and Community Development must be transferred to the authority.

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2. All loan agreements, commitments of program funds and housing opportunity zone designations currently in effect on the effective date of this Act concerning the programs to be moved from the Department of Economic and Community Development continue in effect. The authority is the successor to all such loan agreements, commitments of program funds and housing opportunity zone designations concerning the programs to be moved from the Department of Economic and Community Development subject to the availability of the proceeds of the general obligation bonds issued or to be issued pursuant to Private and Special Law 1989, chapter 84.

3. All records, property and equipment previously belonging to or allocated for the use of the programs to be moved from the Department of Economic and Community Development transfer with the programs to the authority.

4. The repeal and reenactment of the Affordable Housing Alliance Advisory Committee do not affect the term, tenure or appointment of the members of the committee serving on the effective date of this Act.

Sec. E-6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
EXECUTIVE DEPARTMENT		
Administration - Community Services		
Positions	(-3.0)	(-3.0)
Personal Services	(\$113,963)	(\$182,662)
All Other	(16,090)	(21,195)
TOTAL	<u>(\$130,053)</u>	<u>(\$203,857)</u>

Provides for the deappropriation of funds from the elimination of the Director position, the Deputy Director position and the Assistant to the Director position and related operating expenses.

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Development

2	Positions	(1.0)	(1.0)
4	Personal Services	\$39,696	\$55,589
	All Other	14,108	18,810
6			
	TOTAL	<u>\$53,804</u>	<u>\$74,399</u>

8
10 Provides funds for the salary
and fringe benefits of a
12 Director of the Office of
Community and Economic
14 Development at pay range 86
and related operating
expenses.

16	EXECUTIVE DEPARTMENT		
18	TOTAL	<u>(\$76,249)</u>	<u>(\$129,458)</u>

20 ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF

22
24 Administration - Economic and
Community Development

26	Positions	(-4.0)	(-4.0)
	Personal Services	(\$149,370)	(\$240,111)
28	All Other	(16,210)	(21,614)
30	TOTAL	<u>(\$165,580)</u>	<u>(\$261,725)</u>

32 Provides for the
34 deappropriation of funds from
the elimination of the
36 Commissioner position, an
Administrative Assistant
38 position, a Development
Project Officer position and
40 a Policy Development
Specialist position and
related operating expenses.

42
44 Office of Community Development

46	Positions	(-2.0)	(-2.0)
	Personal Services	(\$68,976)	(\$88,108)
48	All Other	(69,856)	(65,900)

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2	TOTAL	(\$138,832)	(\$154,008)
4	Provides for the		
6	deappropriation of funds from		
8	the elimination of a		
10	Development Program Manager		
12	position and a Development		
14	Project Officer position and		
	the transfer of the		
	Affordable Housing Alliance		
	to the Maine State Housing		
	Authority.		
14	Tourism		
16	Positions	(-1.0)	(-1.0)
18	Personal Services	(\$42,007)	(\$65,652)
20	All Other	(20,863)	(27,818)
22	TOTAL	(\$62,870)	(\$93,470)
24	Provides for the		
26	deappropriation of funds from		
28	the elimination of a		
	Development Director position		
	and related operating		
	expenses.		
30	Business Development		
32	Positions	(-1.0)	(-1.0)
34	Personal Services	(\$39,571)	(\$65,294)
36	All Other	(14,107)	(18,810)
38	TOTAL	(\$53,678)	(\$84,104)
40	Provides for the		
42	deappropriation of funds from		
44	the elimination of a		
46	Development Director position		
48	and related operating		
	expenses.		
44	Community Development Block		
46	Grant Program		
48	Positions	(-1.0)	(-1.0)
	Personal Services	(\$42,007)	(\$65,652)

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2	All Other	(18,211)	(24,281)
4	TOTAL	<u>(\$60,218)</u>	<u>(\$89,933)</u>
6	Provides for the		
8	deappropriation of funds from		
10	the elimination of a		
12	Development Director position		
	and related operating		
	expenses.		
12	Business Development		
14	Positions	(-1.0)	(-1.0)
16	Personal Services	(\$48,663)	(\$74,868)
18	All Other	(14,108)	(18,810)
20	TOTAL	<u>(\$62,771)</u>	<u>(\$93,678)</u>
22	Provides for the		
24	deappropriation of funds from		
26	the elimination of the Deputy		
28	Commissioner for Business		
30	Development position and		
32	related operating expenses.		
34	Job Opportunity Zones		
36	All Other	(\$310,720)	(\$380,093)
38	Provides for the		
40	deappropriation of funds from		
42	the elimination of the Job		
44	Opportunity Zones program.		
46	DEPARTMENT OF ECONOMIC AND		
48	COMMUNITY DEVELOPMENT		
	TOTAL	<u>(\$854,669)</u>	<u>(\$1,157,011)</u>
	TOTAL APPROPRIATIONS	<u>(\$930,918)</u>	<u>(\$1,286,469)</u>

FISCAL NOTE

46		1991-92	1992-93
48	APPROPRIATIONS/ALLOCATIONS		

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2 Planning within the newly created Office of Community and
Economic Development; the Head Start program and the Maine
4 Children's Trust Fund are moved to the Bureau of Child and Family
Services within the Department of Human Services; and the Low
6 Income Home Energy Assistance Program, LIHEAP, homelessness and
other programs funded by the LIHEAP block grant are moved to the
Maine State Housing Authority.

8
10 This amendment abolishes 10 positions in the former
Department of Economic and Community Development and 3 positions
12 at the former Division of Community Services. The amendment also
creates the position of Director of the Office of Community and
Economic Development.

14
16 The following 10 positions are eliminated at the former
Department of Economic and Community Services; the Commissioner;
one Policy Development Specialist; one Development Project
18 Officer; one Administrative Assistant to the Commissioner; one
Development Project Officer; 3 Development Directors; one
20 Development Program Manager assigned to affordable housing
programs within the Office of Community Development; one
22 Development Project Officer assigned to affordable housing
programs within the Office of Community Development; and one
24 Deputy Commissioner of the former Office of Business
Development. The position of Director of the Office of Community
26 and Economic Development is created within the newly created
Office of Community and Economic Development at pay range 86.

28
30 The following 3 positions are abolished at the former
Division of Community Services: the director; the deputy to the
32 director; and the assistant to the director.

34 All functions of both the Department of Economic and
Community Development and the Division of Community Services are
retained in this amendment except for the Job Opportunity Zones
36 program and the Maine Affordable Housing Alliance, which are
abolished. Provisions in the original bill that abolished the
38 Community Services Advisory Board are retained. Using language
that mirrors that of L.D. 1556, this amendment creates a
40 temporary Affordable Housing Alliance Advisory Committee within
the Maine State Housing Authority to assist with the transfer of
42 affordable housing programs to that agency. The amendment also
strikes the authority of the Maine Children's Trust Fund Advisory
44 Board to hire staff and requires that the board use all money to
fund direct services for local child abuse, child neglect and
46 mental illness prevention programs.

Reported by the Majority of the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
(6/25/91) (Filing No. H-690)