

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1768

H.P. 1210

House of Representatives, May 2, 1991

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Representative MANNING of Portland, Speaker MARTIN of Eagle Lake and Representative KILKELLY of Wiscasset.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**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.**

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

PART A

2
4
6 Sec. A-1. 5 MRSA §934-A, as amended by PL 1987, c. 816, Pt. P, §§1 and 2, is repealed.

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 A-2. 5 MRSA c. 330, as amended, is repealed.

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 A-3. 5 MRSA §12004-I, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

12 Sec. A-4. 22 MRSA §§5-B, 3108 and 3295-A are enacted to read:

14 §5-B. Community services

16
18 The department shall carry out the responsibilities of State Government relating to planning and financing community services and community action agencies and shall administer state and federal community services programs and other block grants that may be available, including, but not limited to, energy assistance, food assistance and Head Start. These responsibilities include designating community agencies as community action agencies pursuant to section 3108 and administering, monitoring and evaluating block grant programs.

26
28 1. Federal, state and other funds. Through plans and contracts, the department shall obtain, distribute and administer federal, state and other funds, including block grants, energy assistance, food assistance, Head Start and other unassigned funds as may become available. Funds must be administered in compliance with any federal rules and regulations and amendments to those rules and regulations. Any balances of funds appropriated to the department 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.

36
38 2. Monitoring of poverty level. The department shall monitor the poverty level of the State's citizens and carry out the following activities:

40
42 A. Conduct an annual survey of poverty in the State, reporting the results of this survey to the Governor, the Legislature and the public;

44
46 B. Make recommendations annually to the Governor and the Legislature on ways and means to combat and reduce poverty in the State;

48
50 C. Seek federal, state and private funds to combat poverty in the State; and

2 D. Advise the Governor, the Legislature and local officials
4 on the impact of state and local policies on poverty in the
 State.

6 3. Overseeing community action agencies. The department
8 shall oversee community action agencies as follows.

10 A. The department, through the Bureau of Income Maintenance
12 under section 3108, shall designate community agencies as
 community action agencies every 7 years pursuant to the
 requirements of this chapter.

14 B. The department shall establish audit requirements in
16 accordance with the Maine Uniform Accounting and Auditing
 Practices Act for Community Agencies.

18 C. The department shall evaluate community action agencies
20 every 3 years.

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

26 4. Planning and coordination for state services. The
28 department shall provide planning and coordination for state
 services to low-income people.

30 5. Technical assistance. The department shall provide
32 technical assistance to community action agencies and other
 groups serving the interests of low-income people in the State.

34 6. Research and assistance to Governor. The department
36 shall provide research and assistance to the Governor as the
 Governor may request.

38 7. Monitoring local program operators. The department is
40 responsible for monitoring subgrantees to ensure conformance with
 appropriate rules.

42 §3108. Other assistance programs

44 The Bureau of Income Maintenance, referred to in this
46 section as the "bureau," shall administer state and federal
48 community services programs and other block grants that may be
 available for energy assistance and food assistance in
 conjunction with the Family Crisis Program. The programs to be
50 coordinated include, but are not limited to, the Citizens'
 Assistance Line, the Home Energy Assistance Program, the Energy

2 Crisis Intervention Program, the Temporary Food Assistance
3 Program, the Hunger Prevention Program and programs for the
4 homeless.

5 1. Community action agencies. The bureau shall designate
6 community agencies as community action agencies to carry out the
7 purposes of this section.

8 A. Agency designations are for 7 years.

9 B. The bureau may withdraw its designation of a community
10 action agency after an evaluation in which the agency has
11 demonstrated substantial incompetency and a clear inability
12 to carry out the purposes of this section, unless there is
13 or has been financial malfeasance, which may be cause for
14 immediate withdrawal of designation.

15 The bureau shall notify an agency of a pending withdrawal of
16 designation. Upon notification, the agency has up to 6
17 months to take corrective action. After the completion of
18 the 6-month period, the bureau shall perform a designation
19 withdrawal evaluation. Failure to pass this evaluation
20 means immediate loss of designation.

21 Upon the final order of the bureau rescinding a community
22 action agency's designation, the community action agency may
23 file a petition for review of this final decision in the
24 appropriate Superior Court within 30 days under the Maine
25 Rules of Civil Procedure, Rule 80B.

26 C. Community action agencies:

27 (1) Shall develop information as to the causes and
28 conditions of poverty in the service area;

29 (2) Shall determine how much and how effectively
30 assistance is being provided to deal with those causes
31 and conditions;

32 (3) Shall establish priorities among projects,
33 activities and areas as needed for the best and most
34 efficient use of available resources;

35 (4) Shall develop, administer and operate programs to
36 reduce poverty with particular emphasis on self-help
37 approaches and programs to promote economic
38 opportunities through affirmative action;

39 (5) Shall initiate, sponsor and provide programs and
40 services responsive to the needs of the poor that are
41 not otherwise being met;

2 (6) Shall promote interagency cooperation and
4 coordination of all services and activities in the
 service area that are related to the purposes of this
 section;

6 (7) Shall establish effective procedures by which the
8 poor and other concerned area residents are able to
10 influence the character of programs affecting their
12 interests, provide for their regular participation in
14 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;

16 (8) Shall join with and encourage business, labor and
18 other private groups and organizations to undertake,
20 together with private officials and agencies,
22 activities in support of the purposes of this section
 that will result in the increased use of private
 resources and capabilities in providing social and
 economic opportunities to low-income citizens;

24 (9) Shall enter into contracts with federal, state and
26 local public and private agencies and organizations,
 businesses and individuals as necessary to carry out
 the purposes of this section;

28 (10) Are eligible to receive funds from federal,
30 state, local and private sources as appropriate to
 carry out the purposes of this section; and

32 (11) Shall ensure that all programs administered by
34 community action agencies conform with federal and
36 state laws, rules and regulations. Applicants for
 programs and assistance must be promptly notified of
 their rights and responsibilities when they qualify for
 or are denied services.

38
40 D. A community action agency shall establish a governing
42 board of directors that consists of not less than 15 nor
44 more than 30 members. One third of the members must be
46 representatives of low-income residents of the service area
48 who are selected through a democratic process in accordance
 with guidelines established by the bureau. 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
50 private sector organizations, including business and
 industry, as well as educational, civic, labor and religious
 organizations.

2 E. The board of directors of a community action agency
3 shall be responsible for the following:

4 (1) Overall direction, oversight and development of
5 policies of the agency;

6 (2) Selection, evaluation and dismissal of the
7 executive director of the community action agency;

8 (3) Approval of all contracts;

9 (4) Approval of all agency budgets;

10 (5) Performance of an annual audit by an independent,
11 qualified outside auditor. The audit must be submitted
12 upon completion to the bureau;

13 (6) Convening of public meetings to provide low-income
14 and other citizens of the service area the opportunity
15 to comment on policies and programs of the community
16 action agencies;

17 (7) Ensuring that all meetings of the board of
18 directors are in accordance with the freedom of access
19 laws; and

20 (8) Evaluation of agency programs and assessment of
21 community and agency needs.

22 2. Allocation of Community Services Block Grant funds. The
23 bureau shall administer, distribute and apply for block grant
24 funds in the following manner.

25 A. The bureau shall administer and distribute to community
26 action agencies according to Title 5, section 1670,
27 Community Services Block Grant funds received from the
28 Federal Government.

29 B. Of the 90% of Community Services Block Grant funds
30 passed through to local agencies, community action agencies
31 must receive first priority in the allocation of the funds.
32 These funds must be distributed according to a formula
33 determined annually as follows.

34 (1) Twenty percent of the 90% of Community Services
35 Block Grant funds must be divided equally among all
36 designated agencies.

37 (2) The balance of these funds must be distributed
38 according to rules promulgated by the bureau.

2 C. Proposals for Community Services Block Grant funds
3 submitted to the Legislature by the bureau in accordance
4 with section 1670 must:

5 (1) Include a description of current usages of
6 Community Services Block Grant funds and how the plan
7 proposes to change that distribution;

8 (2) Retain the absolute minimum necessary for state
9 administrative costs; and

10 (3) Provide for maximum flexibility within community
11 action agencies for the usage of Community Services
12 Block Grant funds.

13 3. Administration of fuel assistance. The bureau may
14 select local fuel assistance program operators, except that, in
15 the case of fuel assistance programs, the municipalities that
16 served as local program operators prior to the effective date of
17 this subsection must be given the option to serve as local
18 program operators of the fuel assistance program within their
19 municipality, as long as they comply with the program operating
20 standards established by the bureau by rule in accordance with
21 the Maine Administrative Procedure Act.

22 The bureau 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

38 E. Standards that ensure that qualified program recipients
39 are expeditiously provided with assistance by the local
40 program operator or administrator.

41 Any municipality that the bureau finds to be in violation of the
42 standards adopted by the bureau pursuant to this section may be

2 prohibited from acting as a local program operator or
3 administrator of the fuel assistance program.

4 For the purpose of this section, "fuel assistance" means
5 assistance paid to fuel vendors on behalf of an eligible
6 household or directly to eligible tenants who pay heating costs
7 as an undesignated portion of rent.

8
9
10 4. Fuel Assistance Reserve Fund. The bureau shall establish
11 and administer the Fuel Assistance Reserve Fund as follows.

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

21
22 B. The bureau shall make available to local program
23 operators and municipal administrators of the fuel
24 assistance program, no later than October 1st of each year,
25 funds sufficient to cover anticipated fuel assistance
26 payments and program administrative costs for at least the
27 months of October, November and December.

28
29
30 C. The bureau's use of the fund is subject to the following
31 conditions and limitations.

32 (1) If the director of the bureau reasonably
33 anticipates that federal fuel assistance block grant
34 funds are not available for distribution to the local
35 program operators and municipal administrators by
36 October 1st of each year, the bureau shall withdraw and
37 distribute sufficient money from the fund as is
38 necessary for the purposes set forth in this section.
39 The bureau may withdraw funds prior to October 1st,
40 provided that those funds are used only for costs
41 incurred on or after October 1st.

42 Money may not be withdrawn from the fund if sufficient
43 block grant funds are available to pay reasonably
44 anticipated fuel assistance program and administrative
45 costs for the months of October, November and December.

46
47
48 (2) Money withdrawn from the fund must be sufficient
49 to cover anticipated fuel assistance payments and fuel
50 assistance program administrative costs for all local
51 program operators and municipal administrators for the
52 months of October, November and December.

2 (3) The bureau may not withdraw money from the fund
4 between October 1st and June 30th.

6 (4) The fund may not be used if the director knows, or
8 is reasonably certain, that no federal fuel assistance
 money will be received.

10 D. If money is withdrawn from the fund for the purposes of
12 this section, the bureau shall ensure that the fund is fully
 recapitalized by June 30, 1991.

14 E. Authorization for the fund expires on June 30, 1991.
16 The bureau shall ensure that the fund is fully recapitalized
 and that all money in the fund is transferred to the General
 Fund no later than June 30, 1991.

18 F. Whoever knowingly uses, transfers, acquires or possesses
20 fuel provided through fuel assistance in any manner not
22 authorized by this section or the rules issued under this
 section is guilty of a Class E crime.

24 **§3295-A. Confidentiality of block grant application information**

26 The following rules apply to information obtained from
 applicants for services funded by federal and state block grants.

28 1. Confidentiality. Records containing the following
30 information are confidential and may not be considered public
32 records for the purpose of Title 1, section 402, subsection 3, or
 any amendment to that subsection:

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

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

50 2. Exceptions. Notwithstanding subsection 1, any person or
 agency directly involved in the administration or auditing of
 those programs in subsection 1, paragraph A and any agency of the

2 State with a legitimate reason to know must be given access to
3 those records.

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

8 4. Reports to State Government or Federal Government.
9 Notwithstanding subsection 1, the department may make such full
10 and complete reports concerning its administration of authorized
11 programs as may be required by the Legislature, the Federal
12 Government or any agency or department of the Federal Government.

13 Sec. A-5. 22 MRSA c. 1674 is enacted to read:

14 CHAPTER 1674

15 HEAD START

16 §8351. Head Start

17 The Bureau of Child and Family Services shall administer the
18 Head Start program.

19 Sec. A-6. 30-A MRSA c. 201, sub-c. XIII is enacted to read:

20 SUBCHAPTER XIII

21 ENERGY CONSERVATION

22 §4981. Administration of energy conservation programs

23 The Division of Energy Conservation, in this subchapter
24 referred to as the "division," is established within the Maine
25 State Housing Authority. The division shall administer energy
26 conservation programs as provided in this subchapter. The
27 Director of the Maine State Housing Authority is the Director of
28 the Division of Energy Conservation.

29 §4982. Powers and duties

30 1. Federal, state and other funds. The division shall
31 obtain, accept, distribute and administer federal, state and
32 other funds for the purpose of energy conservation. Funds must
33 be administered in compliance with any federal rules and
34 regulations and amendments to those rules and regulations. Any
35 balances of funds appropriated to the Maine State Housing
36 Authority remaining at the end of a fiscal year may not lapse but
37 must be carried forward from year to year to be expended for the
38 same purposes.

2 2. Distribution of funds; proposals. The division shall
3 administer and distribute funds received from the Federal
4 Government for the purpose of energy conservation according to
5 Title 5, section 1670 and Title 22, section 3108, subsection 2.

6 3. Definition of community action agency. As used in this
7 subchapter, unless the context otherwise indicates, "community
8 action agency" means a private nonprofit agency that has
9 previously been designated by and authorized to accept funds from
10 the Federal Community Services Administration under the United
11 States Economic Opportunity Act of 1964.

12 4. Overseeing community action agencies. The division
13 shall in cooperation with the Department of Human Services:

14 A. Coordinate block grant applications for the benefit of
15 the community action agencies;

16 B. Establish audit requirements in accordance with the
17 Maine Uniform Accounting and Auditing Practices Act for
18 Community Agencies;

19 C. Evaluate community action agencies in conjunction with
20 the Department of Human Services; and

21 D. Provide technical assistance to community action
22 agencies and other groups serving the interests of
23 low-income people in the State.

24 §4983. Energy conservation programs

25 1. Federally mandated programs. The division shall
26 administer the following federally mandated programs, formerly
27 administered by the Department of Economic and Community
28 Development:

29 A. The State Energy Conservation Program;

30 B. The Energy Extension Service; and

31 C. The Institutional Conservation Program.

32 2. Energy conservation standards. The division shall adopt
33 energy conservation standards and promulgate rules for
34 administration of the standards and the certification of energy
35 efficient buildings, as defined in Title 10, chapter 214.

36 3. Approval or denial of certificates. The division shall
37 provide for the approval or denial of certificates of energy
38 efficiency, as required in Title 10, chapter 214.

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

4
6 5. Review and inspection. The division shall provide for
the review of plans and specifications and the inspection of
buildings to determine compliance with the energy conservation
standards, as described in Title 10, chapter 214.

8
10 6. Administration of state standards. The division shall
administer the state standards for appliance energy efficiency,
as established by section 4984.

12
14 7. Rule-making authority. If the Residential Conservation
Service, as established by the United States Natural Energy
16 Conservation Policy Act, Public Law 95-619, November 9, 1978, as
amended by the United States Energy Security Act, Public Law
18 96-294, June 30, 1980, 42 United States Code, Section 8211 et
seq., is repealed or amended so as to have the effect of removing
20 requirements for providing energy conservation information and
energy audits and arranging financing for energy conservation
22 improvements for residential customers, the division may
promulgate rules pursuant to the Maine Administrative Procedure
24 Act to continue these services. In establishing these rules, the
division shall simplify federal rules, insofar as possible,
26 without preventing fulfillment of the program objectives and in
no case may the division impose rules containing additional
28 requirements for utilities.

30 Until the division promulgates new rules under this subsection,
the previously existing federal regulations and any state rules
32 implementing them continue to be effective.

34 §4984. State standards for appliance energy efficiency

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

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

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

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

52

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

6 E. "Refrigerator" means a cabinet designed for the
8 refrigerated storage of food at temperatures above 32°
10 Fahrenheit that has a source of refrigeration requiring an
12 energy input. It may include a cabinet with a compartment
14 for the freezing and storage of food at temperatures below
32° Fahrenheit that does not provide a separate low
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.

16 F. "Refrigerator-freezer" means a cabinet that consists of
18 2 or more compartments with at least one of the compartments
20 designed for the refrigerated storage of foods at
22 temperatures above 32° Fahrenheit and with at least one of
the compartments designed for the freezing of and the
storage of frozen foods at temperatures of 8° Fahrenheit or
below. The source of refrigeration requires an energy input.

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

30 2. Efficiency standards. Efficiency standards are as
32 follows.

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

36	<u>Appliance</u>	<u>Standard</u>
38	<u>(1) Refrigerators</u>	
40	<u>Single door, manual</u>	
42	<u>defrost</u>	<u>EC=395 x 28V</u>
44	<u>Single door, automatic</u>	
46	<u>defrost</u>	<u>No standard</u>
48	<u>(2) Refrigerator-freezers</u>	
50	<u>Top freezer, partial</u>	
52	<u>automatic defrost</u>	<u>EC=378 x 43V</u>
	<u>Top freezer, automatic</u>	
	<u>defrost</u>	<u>EC=378 x 43V</u>

2	<u>Bottom freezer, automatic</u>	
	<u>defrost</u>	<u>No standard</u>
4		
	<u>Side-by-side, automatic</u>	
6	<u>defrost</u>	<u>EC=565 x 52V</u>
8	<u>(3) Freezers</u>	
10	<u>Upright, manual defrost,</u>	
	<u>between 11.5 and 21.4</u>	
12	<u>cubic feet in volume</u>	<u>EC=289 x 37V</u>
14	<u>Upright, automatic</u>	
	<u>defrost</u>	<u>No standard</u>
16		
	<u>Chest, manual defrost</u>	<u>EC=315 x 32V</u>
18		
	<u>(4) Water heaters</u>	
20		
	<u>Electric</u>	<u>ASHRAE Standard</u>
22		<u>90A-1980</u>
		<u>Section 7 Energy</u>
24		<u>Factor</u>
26	<u>Gas</u>	<u>(EF)=48°</u>
28	<u>(5) Furnaces and boilers</u>	
30	<u>Oil</u>	<u>No standard</u>
32	<u>Gas</u>	<u>No standard</u>
34	<u>B. Refrigerators, refrigerator-freezers and freezers must</u>	
	<u>be certified by the manufacturer as not exceeding the values</u>	
36	<u>derived from the appropriate formula.</u>	
38	<u>3. Application. This section applies as follows.</u>	
40	<u>A. This section applies to the following residential</u>	
	<u>appliances:</u>	
42	<u>(1) Storage-type water heaters;</u>	
44	<u>(2) Gas furnaces and boilers; and</u>	
46	<u>(3) Refrigerators, refrigerator-freezers and freezers</u>	
48	<u>that can be operated by alternating current</u>	
	<u>electricity, excluding the following types:</u>	
50	<u>(a) Those with total refrigerated volume</u>	
52	<u>exceeding 39 cubic feet;</u>	

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

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

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

10 B. This section does not apply to:

12 (1) New residential appliances manufactured in the
14 State and sold outside the State;

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

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

22 (4) Appliances designed expressly for installation and
24 use in recreational vehicles or other equipment
 designed for regular mobile use; and

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

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

38 5. Test methods. The manufacturer shall cause the testing
40 of samples of each model of each residential appliance covered by
 this section. The Director of the Maine State Housing Authority
 shall use test methods approved by the federal Department of
42 Energy or, in the absence of those test methods, other
 appropriate nationally recognized test methods applicable to the
44 respective appliances.

46 6. Conservation. In order to reduce the wasteful,
 uneconomic, inefficient or unnecessary consumption of energy, the
48 Director of the Maine State Housing Authority:

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

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

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

14 PART B

16 **Sec. B-1. 5 MRSA §3304, sub-§3, ¶¶M and N, as enacted by PL**
17 **1989, c. 501, Pt. DD, §7, are amended to read:**

18 M. Administer any emergency fuel allocation program
19 described in section 3307-D and have the authority to
20 collect inventory and product delivery data from the State's
21 primary storage facilities of petroleum products, as
22 described in section 3307-C, and shall afford confidential
23 treatment to that information; and

26 N. Oversee the implementation of any energy programs
27 assigned to the State Planning Office under this chapter;

28 **Sec. B-2. 5 MRSA §3304, sub-§3, ¶¶O to V are enacted to read:**

30 O. Accept for the State any federal funds appropriated
31 under any federal law relating to the authorized programs of
32 the office, including economic and community development in
33 those nonentitlement areas and for those projects duly
34 authorized under the federal Housing and Community
35 Development Act of 1974, 1 United States Code (1982), and
36 its subsequent amendments. The director may undertake the
37 necessary duties and tasks to implement federal law with
38 respect to the authorized programs of the office.

40 (1) The director may accept for the office any funds
41 from any other agency of government, individual, group,
42 foundation or corporation to carry out this chapter,
43 including fees designated by the director for books,
44 brochures, pamphlets, films, photos, maps and similar
45 materials. A revolving fund is established within the
46 office for the use of the office to cover the printing
47 and distribution costs of these materials. Income from
48 the sale of publications must be credited to the
49 revolving fund to be used as a continuing carrying
50 account to carry out the purposes of the revolving fund;

2 P. Accept grant funds from other public or private sources
4 to be used to carry out the duties of the office;

6 Q. Hold hearings and adopt rules in accordance with the
8 Maine Administrative Procedure Act with respect to the
10 implementation of authorized programs of the office.

12 (1) The director may adopt rules to distribute funds
14 or assistance under the federal Housing and Community
16 Development Act of 1974, 1 United States Code (1982),
18 and its subsequent amendments. The rules must be
20 consistent with the annual final statement for the
22 State Community Development Program submitted to the
Federal Government. The office shall give notice in
writing of any such rules to the joint standing
committee of the Legislature having jurisdiction over
appropriations and financial affairs at least 20 days
before the hearing, as stipulated in the Maine
Administrative Procedure Act, or before the deadline
for comments if no hearing is scheduled;

24 R. Coordinate the office's programs and services with those
26 programs and services of other state agencies and regional
planning and economic development organizations;

28 S. Be responsible for the oversight and implementation of
30 the following:

32 (1) A program of assistance to encourage business
34 development pursuant to chapter 523;

36 (2) Community development programs; and

38 (3) A foreign trade zone program;

40 T. Coordinate office programs with employment training
42 agencies and councils for the purpose of developing,
promoting and identifying employment opportunities for
special populations, such as recipients of Aid to Families
with Dependent Children, consistent with the policy and
intent of Title 22, chapter 1054;

44 U. Work with political subdivisions of the State,
46 businesses and public and private organizations to make them
aware of the significant need of the labor force for
dependent care services. The director shall encourage and
48 assist businesses, political subdivisions and other
organizations to develop dependent care facilities and
50 services that meet the needs of the working population,
52 particularly low-income people. In implementing this
paragraph, the director shall, to the greatest extent

2 possible, work with state agencies and other public and
4 private organizations to ensure the development and
6 provision of dependent care facilities and services.

8 (1) The director shall designate a person within the
10 office to assist the director with the provisions of
12 this paragraph; and

14 V. Designate and certify competent local and regional
16 economic development organizations to implement state
18 programs and services in whole or in part.

20 (1) The director may assist in forming councils of
22 governments and regional planning commissions and may
24 assist with financing the cost of operation of the
26 councils of governments empowered under Title 30-A,
28 sections 2311 to 2316 and the regional planning
30 commissions established under Title 30-A, sections 2321
32 to 2326.

34 (2) The director shall adopt rules with respect to
36 standards and criteria for local and regional agencies
38 to be certified and evaluate local and regional
40 organizations in regard to the implementation of these
42 programs and services.

44 Sec. B-3. 5 MRSA §§3307-E to 3307-G are enacted to read:

46 **§3307-E. International commerce**

48 1. International commerce. The office shall ensure that
50 international commerce development is grounded in thorough,
52 accurate and timely economic information coupled with careful
54 analysis in order to make the maximum use of the limited
56 resources available for international commerce development
58 activities. The office shall:

60 A. Collect, from sources in both the public and private
62 sectors, information regarding the economy, businesses,
64 labor force, building and business sites, infrastructure,
66 natural resources and other elements necessary to
68 international commerce market and program decisions; and

70 B. Provide information regarding international commerce
72 market and business conditions, as requested, to businesses
74 engaged in international commerce, local and regional
76 community and economic development organizations and other
78 state agencies.

80 2. Informed program and policy choices. The office shall
82 use all available information to make informed program and policy
84 choices, as well as to provide the best possible information to

2 businesses considering international investment options. By the
3 constant evaluation of program initiatives, the office shall
4 enhance the delivery of services and the use of limited
5 resources. The office shall:

6 A. Conduct periodic evaluations of the effectiveness of the
7 office's international commerce development programs in
8 meeting the goals of those programs; and

10 B. Develop demonstration programs and program concepts in
11 response to international commerce economic conditions and
12 the evaluation of existing program activities.

14 3. Demonstration program initiatives. The office shall
15 develop demonstration international commerce program initiatives
16 that complement evaluation and research activities of the office.

18 **§3307-F. Foreign trade zone; market development grants**

20 The director may make grants for market development from
21 appropriations for that purpose to any municipality or group of
22 municipalities that have received a grant of authority from the
23 Federal Government to establish a foreign trade zone.

24 **§3307-G. Foreign trade zones; application**

26 Application for foreign trade zones must be according to
27 this section.

30 1. Applications. The director, on behalf of the State, may
31 make applications to the federal Foreign Trade Zone Board to
32 establish foreign trade zones that are located on property owned,
33 leased or otherwise controlled by the State. A municipality,
34 group of municipalities or a public or private corporation may,
35 with the approval of the office, make applications to the Foreign
36 Trade Zone Board to establish foreign trade zones at other
37 locations. Foreign trade zones must be established in or
38 adjacent to any ports of entry in the State where personal
39 property in transit is exempt from the stock-in-trade tax and
40 such other taxes and customs as are normally levied in a port of
41 entry.

42 2. Subject to environmental law. Any development or
43 activity with a foreign trade zone established in the State is
44 subject to the laws that the Department of Environmental
45 Protection, the Department of Conservation, the Department of
46 Marine Resources and the Department of Inland Fisheries and
47 Wildlife are responsible for administering, as well as any other
48 law that protects the environment.

50 3. Personal property in transit. For the purpose of this
51 section, "personal property in transit" through the zones
52

2 established under subsection 1 means goods, wares and merchandise
3 either moving in interstate or international commerce through
4 these zones or consigned to a warehouse, public or private,
5 within these zones, whether specified when transportation begins
6 or afterward. This property may not be deprived of exemption if,
7 while in the warehouse, the property is assembled, bound, joined,
8 processed, disassembled, divided, cut, broken in bulk, relabeled
9 or repackaged. The exemption granted must be liberally construed
10 to effect the purposes of this section. The warehouse in which
11 these goods, wares or merchandise are stored may not be owned, in
12 whole or in part, by either the consignee or consignor. This
13 subsection does not apply to agricultural products.

14 **Sec. B-4. 5 MRSA cc. 314, 314-A and 314-B are enacted to read:**

16 **CHAPTER 314**

18 **COMMUNITY DEVELOPMENT**

20 **§3331. Community Development Block Grant Program**

22 The Director of the State Planning Office shall implement
23 the Community Development Block Grant Program pursuant to the
24 federal Housing and Community Development Act of 1974, 1 United
25 States Code (1982), and its subsequent amendments. For purposes
26 of this section, "program" means the Community Development Block
27 Grant Program and "fund" means the Community Development
28 Revolving Loan Fund.

30 1. **Revolving loan fund.** The Community Development
31 Revolving Loan Fund is established to carry out the purposes of
32 the program. The fund is a nonlapsing revolving fund.

34 2. **Repayments to fund.** All repayments of fund grants made
35 to municipalities that elect not to retain those funds, including
36 interest, penalties and other fees and charges related to fund
37 grants, must be credited to the fund.

38 3. **Investment of fund money.** Money in the fund not needed
39 to meet the current obligations of the program must be deposited
40 with the Treasurer of State to the credit of the fund and may be
41 invested in such manner as provided by law. Interest received on
42 that investment must be credited to the fund.

44 4. **Legislative allocation of fund required.** The State
45 Planning Office shall submit to the Legislature, through the
46 budget process as required by chapter 149, its recommendations
47 for disbursements from the fund.

48 5. **Expenditures from fund.** Upon approval of the allocation
49 by the Legislature and approval of the allotment by the Governor,
50

2 the State Controller shall authorize expenditures from the fund
3 as approved by the State Planning Office for the following
4 purposes:

6 A. Administrative expenses related to the fund;

8 B. Grants to cities and towns under the fund; and

10 C. Grants related to the fund and to other public and
11 private organizations.

12 6. Encumbered balances at year end. At the end of each
13 fiscal year, all encumbered balances in the fund may be carried
14 over; however, funds in any individual account may be carried
15 over a maximum of 2 consecutive years.

16 CHAPTER 314-A

18 COMPREHENSIVE LAND USE PLANNING

20 §3341. Division of Comprehensive Land Use Planning

22 The Division of Comprehensive Land Use Planning is
23 established within the State Planning Office of the Executive
24 Department. The division shall assist communities in local and
25 regional land use planning activities.

26 The Deputy Director of the Division of Comprehensive Land
27 Use Planning is appointed by the Director of the State Planning
28 Office, with the approval of the Governor. The deputy director
29 shall administer the division in accordance with the provisions
30 of this chapter and has the following powers and duties.

31 1. Information. The deputy director shall organize and
32 make available to municipalities and regional planning agencies
33 existing information from state agencies to be used in the
34 development of comprehensive plans and land use ordinances as
35 required under Title 30-A, chapter 187, subchapter II.

36 2. Community land use planning and implementation. The
37 deputy director shall provide technical assistance to
38 municipalities and regional planning organizations in the
39 development and implementation of local comprehensive land use
40 plans as required under Title 30-A, chapter 187, subchapter II.

41 3. Financial assistance. The deputy director shall
42 administer a program to provide financial assistance to local
43 communities and regional planning agencies in the development,
44 implementation and enforcement of comprehensive land use plans
45 and ordinances as required under Title 30-A, chapter 187,
46 subchapter II.

2 4. Coastal zone management. The deputy director shall
3 administer a coastal zone management local grants program.

4 5. Regional planning grants program. The deputy director
5 shall administer a regional planning grants program for regional
6 planning commissions and councils of government established under
7 Title 30-A, chapter 119, subchapter I.

8 6. Staff assistance. The deputy director shall provide
9 staff assistance for the Planning Advisory Council as established
10 under Title 30-A, chapter 187, subchapter II.

11 7. Technical assistance and resources for local parks and
12 recreation development. The deputy director shall oversee
13 delivery of technical assistance and resources to municipalities
14 for the purpose of enhancing and expanding parks, open spaces and
15 recreational opportunities as a part of comprehensive community
16 development.

17 **§3342. Encumbered balances at year end**

18 At the end of each fiscal year, all encumbered balances in
19 accounts for financial assistance and regional planning grants
20 may be carried over; however, funds in any individual account may
21 be carried over a maximum of 2 consecutive years.

22 **CHAPTER 314-B**

23 **MUNICIPAL GROWTH MANAGEMENT AND CAPITAL INVESTMENT**

24 **§3345. Creation**

25 The Municipal Growth Management and Capital Investment Fund
26 is created as a nonlapsing fund to be used only for the purposes
27 of this chapter by the Division of Comprehensive Land Use
28 Planning, referred to in this chapter as the "division."

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

33 **§3346. Assistance to municipalities**

34 The division may make grants to eligible municipalities in
35 support of capital investments in public service infrastructure
36 as provided in this chapter.

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

2 A. "Public service infrastructure" means those facilities
4 that are essential for public health, welfare and safety.
6 These facilities include, but are not limited to, sewage
8 treatment facilities, municipal water facilities, solid
10 waste facilities, fire protection facilities, roads and
12 traffic control devices, parks and other open space or
14 recreational areas and any other public facility that
16 benefits the public.

18 2. Eligibility. Any municipality is eligible to apply for
20 grants under this chapter when it has adopted and implemented a
22 certified local growth management program under the requirements
24 of Title 30-A, chapter 187, subchapter II. The program must
26 include a capital investment plan comprised of the following
28 elements:

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

36 B. A 10-year plan for any needed replacement or expansion
38 of existing public facilities or the construction of any new
40 facilities required to meet expected growth and economic
42 development or to satisfy state or federal mandates. The
44 capital investment plan must include projections of when and
46 where these facilities will be required; and

48 C. An assessment of the anticipated costs for replacement,
50 expansion or construction of public facilities, an
52 identification of revenue sources available to meet these
54 costs and recommendations for meeting costs required to
56 implement the plan.

58 3. Eligibility for municipalities without certified local
60 growth management programs. Prior to 2 years after the
62 applicable deadline date established under Title 30-A, section
64 4343, subsection 1, any municipality is eligible for a grant
66 under this chapter when the division determines that the proposed
68 project is consistent with the grant criteria established under
70 subsection 4 and that the project is to be undertaken as part of
72 a local capital investment plan that includes the elements
74 specified under subsection 2, paragraphs A to C.

76 4. Grants criteria. The division shall develop, by rule,
78 criteria for the award of grants to eligible municipalities after
80 consultation with the Planning Advisory Council, established
82 under Title 30-A, section 4341 and subject to the requirements of
84 this chapter. In adopting rules, the division shall:

86 A. Give priority to those municipalities that are
88 experiencing rapid growth and that possess a public service
90 infrastructure inadequate to accommodate that growth;

2 B. Give priority to those municipalities that have adopted
4 and implemented a certified local growth management program;

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

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

16 E. Establish local cost-sharing requirements to ensure
18 adequate local commitment to projects receiving grants under
20 this chapter and efficient use of public funds; and

22 F. Adopt other criteria as it determines necessary to
24 ensure that grants made under this chapter maximize the
26 ability of municipalities to accommodate planned growth and
28 economic development.

30 5. Consistency. The division shall condition any grants
32 under this chapter on consistency with the municipality's
34 certified local growth management program or, in the case of
36 grants made on the basis of the eligibility criteria of
38 subsection 3, on consistency with the local capital investment
40 plan.

42 6. Coordination. The division shall coordinate the grants
44 made under this chapter with all other community assistance
46 grants administered by the division and with other state
48 assistance programs designed to accomplish similar objectives,
50 including those administered by the Department of Education, the
52 Department of Transportation, the Maine Municipal Bond Bank and
54 the Department of Environmental Protection.

56 **§3347. Report to the Legislature**

58 As part of its biennial progress report under Title 30-A,
60 section 4341, subsection 2, the division shall report on the
62 grants program. The division may make any recommendations it
64 finds necessary to achieve more effectively the purposes of this
66 chapter, including the appropriation of any necessary additional
68 funds.

70 Sec. B-5. 5 MRSA §12004-I, sub-§6, as enacted by PL 1987, c.
72 786, §5, is repealed.

74 Sec. B-6. 5 MRSA §12004-I, sub-§6-A, as enacted by PL 1989, c.
76 601, Pt. B, §1, is repealed.

78 Sec. B-7. 5 MRSA §12004-I, sub-§6-B, as enacted by PL 1989, c.
80 914, §1, is repealed.

2 initiation, expansion and location of businesses in the State
3 that would expand quality employment opportunities for citizens
4 of the State.

5 The office shall encourage business by removing barriers to
6 growth, facilitating exploration of opportunities and providing
7 assistance necessary to enhance business consistent with the
8 State's economic development strategy.

10 **§20112. Duties and responsibilities of office**

12 The office has the following duties and responsibilities.
13 The office shall:

14 1. Implement policies and programs. Implement policies and
15 programs in compliance with the state economic development
16 strategy;

17 2. Work with other organizations. Work with other state
18 agencies, municipalities and regional planning, community and
19 economic development organizations for the purpose of assisting
20 and encouraging the orderly and coordinated development of the
21 State;

22 3. Conduct planning and research. Conduct planning,
23 research and analysis as needed by the office but not
24 macroeconomic forecasting. The office shall gather, maintain and
25 have access to all economic and other information necessary to
26 the performance of its duties;

27 4. Communication with private sector. Communicate, on a
28 regular basis, with the private sector to inform the private
29 sector of office programs and services and to determine the
30 needs, problems and opportunities of the private sector;

31 5. Prepare and distribute publications. Prepare and
32 distribute publications that:

33 A. Describe various business development programs within
34 the State that are available to state businesses; and

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

37 6. Implement programs. Implement economic and community
38 development programs that are assigned to the office by the
39 Governor or the Legislature. The office is responsible for the
40 implementation of a program consisting of the following 3 primary
41 elements.

42 A. Business investment must be encouraged consistent with
43 this chapter.

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(1) The office shall conduct an analysis of the various industrial sectors of the economy. The types of businesses to be targeted for attraction must have potential for development in the State and contribute to a healthy business and environmental climate.

(2) The office shall report its findings and recommendations to the Governor and the Legislature that include recommendations about the type and extent of the business investment programs to be implemented.

B. Business assistance services must be provided consistent with this paragraph.

(1) The office shall provide business assistance services that are convenient to businesses throughout the State. The office shall use certified local and regional economic development organizations, educational institutions or certified private sector firms to implement this subsection.

(a) Business assistance services must include managerial and technical assistance and assistance with applications for loans and the completion of applications for licenses and permits from regulatory agencies.

(b) The office, in conjunction with local and regional organizations and other institutions and firms in the private sector with marketing expertise, may conduct seminars on marketing and marketing-related topics for state businesses.

(2) In accordance with section 20116, the office shall implement a program to assist businesses by referring businesses and persons to the proper agencies designed to provide the business services or assistance requested, and to serve as a central clearinghouse of information with respect to business assistance programs and services available in the State.

C. Industry-wide assistance and market development must be provided consistent with this paragraph.

(1) The director shall work with other state agencies that implement marketing programs and shall strive to coordinate the marketing activities of the office with those of other agencies whenever possible.

(2) The director is responsible for providing assistance, to the maximum extent possible, to industry

2 sectors and businesses to identify market
3 opportunities, develop market strategies and promote
4 industry-wide development;

5 7. Contract for services. Use the State's private sector
6 resources, to the maximum extent feasible, when contracting for
7 services to conduct studies, provide services and prepare
8 publications;

9 8. Tourism. In accordance with section 20118, implement a
10 program to promote the State's tourism industry; and

11 9. Filming activities. With regard to film-making
12 activities:

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

15 B. Raise and accept funds from public and private sources
16 to be used to promote filming activities in the State; and

17 C. Promote the State to attract the filming of movies,
18 advertisements and videos on location in the State.

19 §20113. Director; appointment

20 The Governor shall appoint the Director of the Office of
21 Business Development, referred to as the "director" in this
22 chapter, subject to review by the joint standing committee of the
23 Legislature having jurisdiction over economic development matters
24 and to confirmation by the Legislature. The director serves at
25 the pleasure of the Governor.

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

29 §20114. Duties and responsibilities of director

30 The director shall administer the office. The director has
31 the following powers and duties.

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

34 A. Persons employed in major policy-influencing positions,
35 as described in section 931, subsection 2, and professional
36 staff whose positions were previously located in the former
37 Department of Economic and Community Development serve at
38 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 C. The director may set and accept fees for the preparation
25 and distribution of books, booklets, brochures, pamphlets,
26 films, photos, maps, exhibits, mailing lists and all similar
27 materials and media advertising. A revolving fund for the
28 use of the office to help offset the preparation and
29 distribution costs of these materials is established within
30 the office. Income from the sale of publications and other
31 materials charged to the revolving fund is credited to the
32 revolving fund to be used as a continuing carrying account
33 to carry out the purposes of the revolving fund.

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

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

42 5. Review of program; report to Governor and Legislature.
43 The director shall review and evaluate the programs and functions
44 of the office and the operation of the State's economic delivery
45 system. The Maine Small Business Commission, as established in
46 section 13032, shall conduct the evaluation and review required
47 by this section with respect to small business programs. The
48 director shall report the results of the review to the Governor
49 and the Legislature.

2 director shall report the findings and recommendations with
3 respect to the issues described in this subsection to the
4 Governor and to the Legislature no later than February 1st of
5 each first regular session of the Legislature. The director
6 shall conduct the review and evaluation with respect to the
7 following:

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

10 B. The degree of significance of the purpose of the
11 programs and functions of the office;

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

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

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

18 F. The problems and successes in the State's economic
19 delivery system;

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

25 H. Within available resources, the extent of business
26 growth and change, including business expansions, new
27 businesses and business closings; and

28 I. Within available resources, the status of investments in
29 business in the State.

30 6. Responsible for oversight. The director shall oversee
31 and implement the following:

32 A. A program of tourism promotion and development;

33 B. The promotion of the State and its products as
34 investment opportunities;

35 C. The Community Industrial Buildings Fund and assistance
36 programs to local development corporations pursuant to
37 sections 20121 and 20122;

38 D. The small business assistance program pursuant to
39 subsection 7;

2 E. Targeted business development pursuant to section 20112,
4 subsection 6, paragraph A, subparagraph (1); and

6 F. The business facilitation service pursuant to section
8 20116.

10 7. Assistance to municipalities to generate economic
12 growth. The director shall administer a program of assistance to
14 municipalities to generate jobs and business development, which
16 may include, but not be limited to, infrastructure development,
18 planning and technical assistance, marketing and other types of
20 capacity building.

22 A. The program consists of a fund. Money in the fund is
24 derived from any general obligation bonds issued for the
26 purposes of generating economic development and jobs. The
28 office shall administer the fund to provide assistance as
30 defined in this subsection. The fund may not exceed
32 \$1,000,000. Money available for the purpose of this
34 subsection may not be used to provide financial assistance
36 to business.

38 **§20115. State agencies to cooperate**

40 All state agencies and any other organizations shall
42 cooperate with and expeditiously respond to requests of the
44 office.

46 **§20116. Business Assistance Referral and Facilitation Program**

48 The director is responsible for the implementation of the
50 Business Assistance Referral and Facilitation Program as
52 established by this section.

54 1. Referral and central clearinghouse service. The
56 director shall maintain and update annually a list of the
58 business assistance programs and services and the names,
60 locations and telephone numbers of the organizations providing
62 these programs and services that are available within the State.
64 The director may publish a guide consisting of the business
66 assistance programs and services available from public or private
68 sector organizations throughout the State. This program must be
70 designed to:

72 A. Respond to written and oral requests for information
74 about business services and assistance programs available
76 throughout the State;

78 B. Obtain and compile the most current and available
80 information pertaining to business assistance programs and
82 services within the State;

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

6 D. Maintain a list, to be updated annually, of marketing
8 programs of state agencies, with a description of each
10 program.

12 2. Business facilitation service. The director shall
14 implement a business facilitation service that must be designed
16 to:

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

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

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

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

40 **§20117. Maine Tourism Commission**

42 1. Maine Tourism Commission. The Maine Tourism Commission,
44 established by section 12004-I, subsection 87, shall assist,
46 advise and make recommendations to the office. The commission
48 consists of 9 members of major tourism trade associations and 8
50 public members who must represent their respective regions and
52 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
Business 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 vice-chair must be
elected annually from the appointed membership.

2 **2. Powers and duties. The commission shall:**

4 **A. Recommend rules for the implementation of section 20119**
6 **and make recommendations on the award of matching funds to**
8 **the director;**

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

14 **C. Conduct public hearings necessary to obtain input**
16 **concerning tourism policy development from a broad cross**
18 **section of travel interests;**

20 **D. Assist the office in providing technical assistance to**
22 **the travel industry and in planning and conducting periodic**
24 **tourism conferences;**

26 **E. Prepare a report for annual submission to the Governor**
28 **and the Legislature relative to the programs, policies and**
30 **accomplishments of the commission; and**

32 **F. Assist the office in other areas the director considers**
34 **appropriate and necessary to ensure the successful**
36 **implementation of this section.**

38 **3. Compensation. Commission members are entitled to**
40 **compensation as provided by chapter 379.**

42 **4. Sunset. Authorization for the commission expires on**
44 **July 1, 1993. In its final report, the commission shall provide**
46 **its recommendations to the Governor and the Legislature**
48 **concerning the need for extending authorization for the**
50 **commission.**

52 **§20118. Tourism**

The office shall promote and assist the State's tourism
 industry in the manner prescribed in this section.

1. Responsibilities. The office shall:

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

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

2 C. Encourage the development of travel product facilities
3 and activities by locating potential developers, providing
4 market and feasibility analysis, assisting developers in
5 complying with applicable laws and rules, and providing
6 technical assistance to local decision making, including
7 decisions regarding site selection, financing and utilities;

8 D. Review and comment upon the policies and programs of
9 state agencies that directly affect the achievement of the
10 duties and responsibilities of the office;

12 E. Provide basic support and discretionary matching grants
13 to local, regional and statewide nonprofit agencies that
14 directly affect the achievement of the duties and
15 responsibilities of the office;

16 F. Employ or engage outside technical or professional
17 consultants or organizations as are necessary or appropriate
18 to assist the office in carrying out its functions;

19 G. Retain, without charge, an appropriate number of the
20 publications prepared by the office for complimentary
21 distribution;

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

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

28
29
30
31
32 **§20119. Travel Promotion Matching Fund Program**

33
34
35 The Travel Promotion Matching Fund Program is established to
36 allow the State to provide part of the funds necessary for public
37 and private nonprofit travel promotional organizations to conduct
38 promotional programs and to strengthen the State's image by
39 coordinating the promotional efforts of the private sector and
40 the office.

41
42 1. Eligible organization. Matching funds must be made
43 available to those nonprofit travel promotional organizations
44 that best meet the purposes of this section. An organization may
45 not disburse state matching funds to a private, for-profit
46 business for the purpose of promoting its goods, services,
47 functions or activities.

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

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

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

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

23 A. The office shall establish a standard accounting
24 procedure to be used by any organization receiving money
25 under this section.

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

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

32 **§20120. Historical marker program**

33 1. Historical markers. The director may erect historical
34 markers or signs on any highway. No more than 10 historical
35 markers may be erected in one year. A marker that would
36 interfere with reasonable use of the highway may not be erected.

37 2. Review council. The director shall consult with the
38 Maine Historic Preservation Commission and the Department of
39 Transportation on the marker program. Before erecting any
40 marker, the director shall secure the Maine Historic Preservation
41 Commission's approval of the marker, the marker's location and
42 the wording. The Maine Historic Preservation Commission shall
43 investigate as needed to obtain information on the event to be
44 commemorated and on the appropriate location for the marker,
45 including consulting historians and holding public hearings.

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

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

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

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

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

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

40 A. If a petitioner or party affected by the municipal
42 councilors' decision is dissatisfied with the decision, the
application to the court must occur within 60 days of the
44 decision; or

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

2
3 **§20121. Community Industrial Buildings Fund**

4 **1. Definitions.** As used in this section, unless the
5 context otherwise indicates, the following terms have the
6 following meanings.

7 A. "Carrying costs" means reasonable costs incurred for the
8 maintenance, protection and security of a community
9 industrial building prior to occupancy, including, but not
10 limited to, insurance, taxes and interest.

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

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

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

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

24 F. "Local development corporation" means any nonprofit
25 organization created by a municipality that is incorporated
26 under Title 13, chapter 81 or Title 13-B or otherwise
27 chartered by the State and designed to foster, encourage and
28 assist the settlement or resettlement of industrial,
29 manufacturing, fishing, agricultural, recreational or other
30 business enterprises within the State. Notwithstanding
31 Title 13, chapter 81, a majority vote of the municipal
32 officers is sufficient to form a local development
33 corporation, which may apply for financial assistance for a
34 project under this section as long as that application is
35 formally endorsed by a vote of the governing body of the
36 municipality in which the project is to be located.

37 G. "Municipality" means any county, city or town in the
38 State.

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

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

42 **2. Creation.** The Community Industrial Buildings Fund is
43 created as a nonlapsing revolving fund to be used by the office
44

2 only for the purposes of this section. Within the fund there are
3 created 2 separate accounts for rural and urban areas, called the
4 "rural account" and the "urban account," which must be separately
5 charged and credited, as provided under this section, according
6 to the location of each community industrial building in a rural
7 or urban area.

8 A. Money in the fund that is not obligated on the effective
9 date of this paragraph must be distributed between the 2
10 accounts, with 2/3 allocated to the rural account and 1/3
11 allocated to the urban account.

12 3. Items charged or credited. Operating expenses of the
13 office incurred under this section must be charged to the fund
14 and all payments required by this section must be credited to
15 it. All office expenses that arise out of assistance to local
16 development corporations under this section must be charged
17 solely against the proceeds of the sale or rental of community
18 industrial buildings or all or part of an industrial park
19 assisted under this section.

20 4. Deposited funds. Money in the fund not currently needed
21 to meet the obligations of the office under this section must be
22 deposited with the Treasurer of State to the credit of the fund
23 with all interest earned by the deposit credited to the fund.

24 5. Successor to fund. The office is the successor to the
25 Department of Economic and Community Development for the purposes
26 of this section. All properties, rights in land, buildings and
27 equipment and any funds, money, revenues and receipts or assets
28 of the Department of Economic and Community Development as they
29 apply to the Community Industrial Buildings Fund, including funds
30 previously appropriated by the State for the Community Industrial
31 Buildings Fund, belong to the office as successor to the
32 Department of Economic and Community Development. All
33 liabilities of the Department of Economic and Community
34 Development with respect to the Community Industrial Buildings
35 Fund become liabilities of the office. Any action taken by the
36 Department of Economic and Community Development with respect to
37 assisting a local development corporation to create community
38 industrial buildings is deemed an action taken by the office.

39 §20122. Assistance to development corporations

40 The office may assist a local development corporation to
41 construct a community industrial building by loaning it money for
42 construction or carrying costs, or both, for a project, subject
43 to subsection 1.

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

- 2 A. The project must be of public use and benefit and must
3 reasonably be expected to create new employment
4 opportunities.
- 6 B. In both the rural and urban accounts, preference must be
7 given to projects in economically deprived areas within
8 labor market areas declared to be in need of economic
9 development assistance by the Department of Labor.
- 10 C. Not more than one unoccupied community industrial
11 building project may be financed in a labor market area at
12 any one time, except as provided in paragraph D.
- 14 D. If a community industrial building remains unoccupied
15 for 3 or more years immediately following completion of the
16 building, the labor market area in which the building is
17 located may be authorized one new community industrial
18 building as long as:
- 20 (1) No more than 2 unoccupied community industrial
21 buildings are financed under this section in that labor
22 market area; and
- 24 (2) No more than one unoccupied community industrial
25 building is financed at any one time under this section
26 in a municipality.
- 28 E. The office shall charge interest on loans or funds
29 provided under this section to the local development
30 corporation for a community industrial building that remains
31 unoccupied for 3 or more years following completion of the
32 building. The office shall adopt rules under the Maine
33 Administrative Procedure Act with respect to rates of
34 interest, the duration of interest payments and any other
35 terms to which local development corporations are subject
36 under this paragraph.
- 38 2. Local development corporation. The local development
39 corporation shall comply with the following.
- 40 A. The local development corporation shall own, or hold on
41 long-term lease, the site for the project.
- 44 B. The local development corporation is responsible for and
45 shall present evidence to the office of its ability to carry
46 out the project as planned.
- 48 C. The site owned or leased by the local development
49 corporation may not be less than 4 times the size of the
50 community industrial building.

2 D. The local development corporation shall provide and
4 maintain, with funds other than those provided by the
6 office, an adequate access road from a public highway to the
8 proposed site and provide and maintain water, sewer and
power facilities. The local development corporation is
responsible for plowing the building site at all times and
for landscaping the building until the building is occupied
by an industrial tenant.

10 E. The local development corporation's project plans must
12 comply with applicable zoning, planning and sanitary
14 regulations in the municipality where it is to be located.
16 A loan may not be approved and a certificate of approval for
18 the project or for any subsequent enlargement or addition to
the project may not be issued until the Department of
Environmental Protection has certified to the office that
all licenses required from the department have been issued
or that none are required.

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

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

26 A. The office may prescribe the terms and conditions of the
28 loan.

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

34 C. The building financed by an office loan may not be sold
36 or leased without the express approval by the office of the
38 purchaser or lessee. If the local development corporation
40 and the office agree that a community industrial building is
42 unlikely to be sold in the near future despite a marketing
effort, the office may permit an interim lease upon terms it
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.

44 4. Promotion and development. The office shall undertake
46 promotional and publicity activities on behalf of community
48 industrial buildings to properly market them to prospective
50 purchasers or tenants. The office shall maintain a continual
effort to secure suitable tenants or purchasers for these
buildings and shall prepare necessary advertising and promotional
materials.

2 **5. Taxes.** While the community industrial building remains
3 unoccupied and a first mortgage is held by the office, it is
4 declared to be property held for a legitimate public use and
5 benefit and is exempt from all taxes and special assessments of
6 the State or any of its political subdivisions. This subsection
7 does not apply to any community industrial building whose
8 construction was not financed under this section.

9
10 **6. Municipality.** A municipality may raise or appropriate
11 money supporting and guaranteeing the obligation of a chamber of
12 commerce, board of trade or local development corporation for the
13 purpose of constructing a community industrial building subject
14 to the provisions of this chapter.

15 **Sec. B-14. 30-A MRSA §4301, sub-§13,** as enacted by PL 1989, c.
16 104, Pt. A, §45 and Pt. C, §10, is repealed.

17 **Sec. B-15. 30-A MRSA §4324, sub-§5,** as amended by PL 1989, c.
18 562, §3, is further amended to read:
19

20 **5. State review.** Each municipality shall submit its
21 proposed comprehensive plan and zoning ordinance or its amended,
22 existing comprehensive plan and existing zoning ordinance, to the
23 office division according to the schedule established under
24 section 4343 for review.
25

26 A. At least 75 days before any public hearing required in
27 subsection 8, the local planning committee shall forward its
28 proposed comprehensive plan to the office division and to
29 any applicable regional council for review and comment.
30

31 B. At least 75 days before the initial adoption of any
32 zoning ordinance or any revision under section 4327, the
33 local planning committee or municipal reviewing authority,
34 as appropriate, shall forward its proposed ordinance to the
35 office division and to any applicable regional council for
36 review and comment. Notice, hearing and other procedural
37 requirements for adoption are governed by applicable
38 provisions of this Title, municipal charter or ordinance.
39

40 **Sec. B-16. 30-A MRSA §4324, sub-§6,** as enacted by PL 1989, c.
41 104, Pt. A, §45 and Pt. C, §10, is amended to read:
42

43 **6. Comments sent to municipality.** The office division
44 shall submit its comments and suggested revisions prepared as
45 provided in section 4343, subsection 3, to the municipality
46 within 60 days after receiving the municipality's proposed
47 comprehensive plan or zoning ordinance.
48

49 **Sec. B-17. 30-A MRSA §4324, sub-§7,** as amended by PL 1989, c.
50 562, §4, is further amended to read:
51

2 **7. Comments and revisions.** The local planning committee or
3 municipal reviewing authority shall consider and may adopt any
4 comments and suggested revisions received from the ~~office~~
5 division within the time limits established by this subchapter.
6 The comments and suggested revisions received from the ~~office~~
7 shall division must be made available for public inspection upon
8 receipt with the proposed comprehensive plan or zoning ordinance
as required in subsection 8.

10 **Sec. B-18. 30-A MRSA §4324, sub-§8, ¶A,** as amended by PL 1989,
11 c. 562, §5, is further amended to read:

12 A. Notice of any public hearing shall must be published in
13 a newspaper of general circulation in the municipality at
14 least 2 times. The date of the first publication must be at
15 least 30 days before the hearing. This notice shall must
16 also contain a statement that the comments are expected from
17 the ~~office~~ division and will be available for distribution
18 before, and for discussion at, the public hearing.

20 **Sec. B-19. 30-A MRSA §4325, sub-§3,** as enacted by PL 1989, c.
21 104, Pt. A, §45 and Pt. C, §10, is amended to read:

22 **3. Requirements.** The agreement must be in writing,
23 approved by the municipal legislative bodies and forwarded to the
24 ~~office~~ division.

25 **Sec. B-20. 30-A MRSA §4327,** as enacted by PL 1989, c. 104,
26 Pt. A, §45 and Pt. C, §10, is amended to read:

27 **§4327. Monitoring and revision**

28 A municipality shall periodically review and revise its
29 local growth management program in a timely manner to account for
30 changes caused by growth and development. A municipality shall
31 update its program at least once every 5 years in accordance with
32 this section. The municipality shall submit any comprehensive
33 plan and zoning ordinance revised under this section to the
34 ~~office~~ division for review as provided in section 4343,
35 subsection 4.

36 **Sec. B-21. 30-A MRSA §4341, sub-§§1 and 2,** as enacted by PL
37 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

38 **1. Review agency designated.** The ~~Office~~ Division of
39 Comprehensive Land Use Planning in the ~~Department of Economic and~~
40 ~~Community Development~~ State Planning Office shall carry out this
41 article and ensure that the objectives of this subchapter are
42 achieved.

43 **2. Biennial progress report.** The ~~office~~ division shall
44 prepare progress reports on local and state growth management

2 efforts. These reports shall must be submitted to the joint
4 standing committee of the Legislature having jurisdiction over
6 appropriations and financial affairs and the joint standing
8 committee of the Legislature having jurisdiction over energy and
natural resources resource matters for their review. The first
report shall must be submitted on or before January 1, 1990; the
2nd report on January 1, 1991; and biennially thereafter on or
before January 1st.

10 A. In preparing the report, the office division shall
12 survey state agencies and municipalities for growth
14 management activities conducted under this subchapter. The
office division shall provide data describing:

16 (1) The level of comprehensive planning activity at
the state, regional and local level levels;

18 (2) The implementation of local growth management
20 programs, including both regulatory and nonregulatory
approaches; and

22 (3) The costs incurred by the State and municipalities
24 through these efforts.

26 B. The office division shall include in the report a
summary of experience to date in the technical and financial
28 assistance program, the review and comment program and the
voluntary certification program. This summary shall must
30 include a quantitative and qualitative analysis of these
programs.

32 C. The office division shall include in the report any
34 recommendations it may have for statutory changes in this
subchapter or other relevant areas of law. These
36 recommendations shall must include a proposal for the
appropriations needed over the following one-year, 2-year
38 and 5-year periods to accomplish the objectives of this
subchapter.

40 **Sec. B-22. 30-A MRSA §4341, sub-§3**, as amended by PL 1989, c.
42 631, §4 and affected by §6, is further amended to read:

44 **3. Planning Advisory Council.** ~~There is established a~~ The
Planning Advisory Council ~~composed~~ is established comprised of 7
46 members. The office division shall consult with the council on
the development of all rules, guidelines and reports for the
48 implementation of this subchapter.

50 A. The Governor shall appoint the members of the council,
selecting them on the basis of their knowledge of planning,
52 local government, land conservation and land development.

2 B. Members shall serve for staggered 4-year terms. Initial
members shall have terms as follows: ~~Three~~ three members
4 for 2-year terms; 3 members for 3-year terms; and one member
for a 4-year term. A member may serve no more than 2
6 consecutive 4-year terms.

8 C. Members shall are not be--~~compensated~~ entitled to
compensation but shall must be reimbursed for all expenses
10 directly related to their participation in council business.

12 D. Four members constitute a quorum for the conduct of
business by the council.

14 E. The council shall elect a chairman chair from among its
members.

16 F. The council shall report annually by January 1st to the
18 Governor and the joint standing committee of the Legislature
having jurisdiction over energy and natural resources
20 resource matters on any changes that may be required to
accomplish the purposes of this subchapter.

22 **Sec. B-23. 30-A MRSA §4341, sub-§§4 and 5,** as enacted by PL
24 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

26 **4. Provision of natural resource and other planning**
information. The ~~office~~ division shall develop and supply to all
28 municipalities available natural resource and other planning
information for use in the preparation of local growth management
30 programs. By July 1, 1990, the ~~office~~ division shall complete an
inventory of the State's natural resources sufficient to ensure
32 adequate identification and protection of critical natural
resources of statewide significance.

34 A. The ~~office~~ division shall make maximum use of existing
36 information available from other state agencies, including,
but not limited to:

38 (1) The Department of Conservation;

40 (2) The Department of Inland Fisheries and Wildlife;

42 (3) The Department of Marine Resources;

44 (4) The Department of Environmental Protection; and

46 (5) The State Planning Office; ~~and.~~

48 ~~(6) The Department of Economic and Community~~
50 ~~Development.~~

2 B. The ~~office~~ division may contract with regional councils
4 to develop the necessary planning information at a regional
level and with other state agencies as necessary to provide
support for local planning efforts.

6 5. **Rule-making authority.** The ~~office~~ division may adopt
8 rules, with the advice of the Planning Advisory Council,
necessary to carry out the purposes of this subchapter, subject
10 to Title 5, chapter 375, subchapter II.

12 **Sec. B-24. 30-A MRSA §4342, sub-§1,** as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10, is amended to read:

14 1. **Coordination.** Each state agency with regulatory or
16 other authority affecting the goals established in this
subchapter shall submit to the ~~office~~ division before January 1,
18 1990, a written report which addresses how each agency has
incorporated the goals of this subchapter into its planned
20 activities. This report shall ~~shall~~ must be revised as necessary but
at least once every 2 years. After January 1, 1990, these
22 agencies shall conduct their respective activities in a manner
consistent with the goals established under this subchapter.

24 **Sec. B-25. 30-A MRSA §4342, sub-§2, ¶B,** as enacted by PL 1989,
c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

26 **Sec. B-26. 30-A MRSA §4342, sub-§3,** as enacted by PL 1989, c.
28 546, §3, is amended to read:

30 3. **Development of a computerized geographic information**
32 **system.** The Department of Administration, Office of Information
Services, in consultation with the Department of Conservation,
34 the State Planning Office and the ~~Department of Economic and~~
Community Office of Business Development, shall develop an
36 implementation strategy for a statewide geographic information
system capable of providing natural resource, demographic and
38 economic information for local and regional comprehensive land
use planning and management. The strategy shall ~~shall~~ must consist of:

- 40 A. A description of computer system requirements;
- 42 B. An implementation plan and timetable;
- 44 C. The identification of state agency responsibilities;
- 46 D. A proposal for standards to ensure maximum compatibility
48 of geographic data collected at local, regional and state
levels; and
- 50 E. An estimate of the implementation costs and resource
52 requirements.

2 The Office of Information Services shall report its findings,
together with any legislative recommendations, to the joint
4 standing committee of the Legislature having jurisdiction over
energy and natural resource matters by February 1, 1990.

6 **Sec. B-27. 30-A MRSA §4343, first ¶,** as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10, is amended to read:

8
10 Subject to the availability of state assistance under
section 4344, municipalities shall submit their comprehensive
12 plans and zoning ordinances to the ~~office~~ division for review as
provided in this section.

14 **Sec. B-28. 30-A MRSA §4343, sub-§1, ¶A,** as enacted by PL 1989,
c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

16
18 A. The following municipalities ~~must~~ shall submit their
comprehensive plans to the ~~office~~ division for review by the
20 following dates:

22 (1) By January 1, 1991, those municipalities ~~which~~
that have experienced population growth of 10% or more
24 between 1980 and 1987 and ~~which~~ that have total
populations in excess of 500 persons, based on
26 population estimates provided by the State Planning
Office;

28 (2) By January 1, 1993, those municipalities ~~which~~
that have experienced population growth of 5% or more
30 between 1980 and 1987, based on population estimates
provided by the State Planning Office; and

32 (3) All other municipalities by January 1, 1996.

34 **Sec. B-29. 30-A MRSA §4343, sub-§1, ¶C,** as amended by PL 1989,
36 c. 562, §9, is further amended to read:

38 C. The ~~office~~ division shall revise the schedule deadlines
40 under paragraph A for a municipality based on the
availability of state assistance and the municipality's rank
42 in the priorities set forth in section 4344, subsection 1.
Nothing in this subsection prevents a municipality from
44 submitting its plan in advance of this schedule.

46 **Sec. B-30. 30-A MRSA §4343, sub-§2,** as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10, is amended to read:

48 **2. Review standard.** The ~~office~~ division shall review any
comprehensive plan and zoning ordinance submitted to it for
50 consistency with the goals and guidelines established in this
subchapter.

52

2 **Sec. B-31. 30-A MRSA §4343, sub-§3**, as amended by PL 1989, c.
562, §11, is further amended to read:

4 **3. Review procedure.** The effiee division shall follow the
following procedure in reviewing local growth management programs.

6 A. The effiee division shall solicit written comments on
8 any proposed comprehensive plan or zoning ordinance from
regional councils, state agencies, all municipalities
10 contiguous to the municipality submitting a comprehensive
plan or zoning ordinance and any interested residents of the
12 municipality or of contiguous municipalities. The comment
period ~~shall extend~~ extends for 45 days after the effiee
14 division receives the proposal.

16 (1) Each state agency reviewing the proposal shall
designate a person or persons responsible for
18 coordinating the agency's review of the proposal.

20 B. Each regional council shall review and submit written
comments on the proposal of any municipality within its
22 planning region. The comments shall must be submitted to
the effiee division and shall contain an analysis of:

24 (1) How the proposal addresses identified regional
26 needs; and

28 (2) Whether the proposal is consistent with those of
other municipalities which that may be affected by the
30 proposal.

32 C. The effiee division shall prepare all written comments
from all sources in a form to be forwarded to the
34 municipality.

36 D. The effiee division shall send all written comments on
the proposal to the municipality within 60 days after
38 receiving its proposal. The effiee division shall also
forward its comments and suggested revisions to any
40 applicable regional council.

42 E. If warranted, the effiee division shall issue findings
specifically describing how the submitted plan or ordinance
44 is not consistent with this subchapter and the recommended
measures for remedying the deficiencies. In its findings,
46 the effiee division shall clearly indicate its position on
any point in the event that there are significant conflicts
48 between the written comments on that point submitted to the
effiee division.

50 **Sec. B-32. 30-A MRSA §4343, sub-§4**, as amended by PL 1989, c.
52 562, §12, is further amended to read:

2 **4. Updates; amendment of comprehensive plans and zoning**
3 **ordinances.** Each municipality shall submit any comprehensive
4 plans and zoning ordinances proposed to be amended under section
5 4327 to the effiee division for review in the same manner as
6 provided for the review of new plans and ordinances. The effiee
7 division shall provide an expedited review procedure for those
8 submissions which that represent amendments to local growth
9 management programs reviewed by it after January 1, 1989. After
10 the initial review, municipalities shall file copies of any
11 amendment to a zoning ordinance with the effiee division within
12 30 days after adopting the amendment.

14 **Sec. B-33. 30-A MRSA §4343, sub-§5,** as amended by PL 1989, c.
15 562, §13, is further amended to read:

16 **5. Voluntary certification of local growth management**
17 **programs.** Any municipality may at any time request a certificate
18 of consistency for its local growth management program. The
19 effiee division, upon request, shall review the program and base
20 its certification decision on the program's consistency with the
21 goals and guidelines established in this subchapter.

24 A. The effiee division shall solicit written comments on
25 any proposed local growth management program from regional
26 and state agencies, all municipalities contiguous to the
27 municipality submitting the proposed program and any
28 interested residents of the municipality or contiguous
29 municipalities.

30 B. Any regional council commenting on a proposed program or
31 program component shall determine whether the proposed
32 program or program component is compatible with those of
33 other municipalities which that may be affected by the
34 proposal and with regional needs identified by the regional
35 council.

38 C. Within 90 days after receiving the municipal request,
39 the effiee division shall issue a certificate of consistency
40 or request revisions to the proposed program. If the same
41 local growth management program or program component has
42 been previously reviewed by the effiee division under
43 subsection 3, denial of certification or requested revisions
44 must be based on written findings prepared by the effiee
45 division at that time.

46 D. If the effiee division requests revisions to the
47 proposed program, it shall provide the municipality with
48 findings specifically describing the deficiencies in the
49 submitted program and the recommended measures for remedying
50 the deficiencies.
51

2 E. The office division shall provide ample opportunity for
the municipality submitting a local growth management
4 program to respond to and correct any identified
deficiencies in the program.

6 F. When a municipality receives a certificate of
consistency, it is eligible for all benefits and incentives
8 conditioned on the certification of a local growth
management program.

10 G. The office division shall provide an expedited review
and certification procedure for those submissions which that
12 represent minor amendments to local growth management
14 programs certified by it after January 1, 1989.

16 H. The office's division's decision on certification
constitutes final agency action.

18 **Sec. B-34. 30-A MRSA c. 202, sub-c. VII is enacted to read:**

20 **SUBCHAPTER VII**

22 **MAINE AFFORDABLE HOUSING ALLIANCE**

24 **§5061. Maine Affordable Housing Alliance established**

26 The Maine Affordable Housing Alliance is established within
28 the Maine State Housing Authority. The housing alliance shall
30 assist municipalities in developing affordable housing under this
chapter.

32 The authority shall provide support for the housing alliance
34 using existing resources.

36 **§5062. Coordination**

38 The housing alliance, in implementing this chapter, shall
40 consult with the authority and the interagency task force in
order to make the best use of resources and to create the
greatest impact on the affordable housing crisis.

42 **Sec. B-35. Application contingent on bond issue.** The Maine
44 Revised Statutes, Title 5, chapter 314-B, as enacted by section
46 B-4 of this Act, takes effect only if a general revenue bond
issue for municipal growth management and capital investment is
approved by the voters of the State.

48 **PART C**

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

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

4 Commissioner of Transportation;

6 Commissioner of Conservation;

8 Commissioner of Finance;

10 Commissioner of Administration;

12 Commissioner of Education;

14 Commissioner of Environmental Protection;

16 Commissioner of Human Services;

18 Commissioner of Mental Health and Mental Retardation;

20 Commissioner of Public Safety;

22 Commissioner of Professional and Financial Regulation;

24 Commissioner of Labor;

26 Commissioner of Agriculture, Food and Rural Resources;

28 Commissioner of Inland Fisheries and Wildlife;

30 Commissioner of Marine Resources; and

32 Commissioner of Corrections; ~~and~~.

34 ~~Commissioner of Economic and Community Development.~~

36 Sec. C-2. 3 MRSA §927, sub-§5, ¶B, as amended by PL 1989, c.
38 857, §12, is further amended read:

40 B. Independent agencies:

42 (1) Board of Chiropractic Examination and Registration;

44 (2) Board of Dental Examiners;

46 (3) Nursing Home Administrators Licensing Board;

48 (4) Board of Registration in Medicine;

50 (5) State Board of Nursing;

52 (6) State Board of Optometry;

- 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
12 Developmental Disabilities;
14 (12) Maine Committee on the Problems of the Mentally
16 Retarded; and
18 (13) Governor's Committee on Employment of People with
20 Disabilities; and.
~~(14) -- Division of Community Services.~~

22 **Sec. C-3. 3 MRSA §927, sub-§10, ¶A,** as enacted by PL 1989, c.
24 483, Pt. A, §§4 and 62, is repealed.

26 **Sec. C-4. 5 MRSA §1507, sub-§5-A,** as amended by PL 1989, c.
28 700, Pt. A, §15 and c. 893, is repealed and the following enacted
30 in its place:

32 5-A. Job development training. The Governor may allocate
34 funds from such account in amounts not to exceed in total the sum
36 of \$1,000,000 to provide funds for any unusual, unforeseen or
38 extraordinary needs for state assistance in creating jobs by
40 assisting in meeting the training requirements of labor-intensive
42 new or expanding industries. Allocations for this purpose may be
44 made from this fund by the Governor only upon the written request
46 of the Commissioner of Labor and after consultation with the
48 State Budget Officer. The commissioner's request to the Governor
50 must be formulated subsequent to consultation with the
52 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.

54 **Sec. C-5. 5 MRSA §1642, sub-§2,** as repealed and replaced by PL
56 1985, c. 96, is repealed.

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

60 3-A. Office. "Office" means the Executive Department,
62 Office of Business Development.

64 **Sec. C-7. 5 MRSA §1643, first ¶,** as repealed and replaced by PL
66 1985, c. 96, is amended to read:

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

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

10
12 **2. Format.** The report shall must utilize a uniform format
focusing on target populations grouped by major program areas.
Characteristic data of the target populations shall must be
14 included to the extent that information is available. The report
shall must contain an integrated description of the operations of
16 the departments and the division office in each program area,
describing the social services as a coordinated and cooperative
18 plan when a service is provided by more than one department or
division office. When appropriate, the fiscal information shall
20 must be displayed by account by department, and when applicable
by subdivision of that department, and by the division office and
22 shall must also be displayed as a total expenditure.

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

26
28 **4. Other state agencies.** The report shall must include
social service programs administered by state agencies other than
the departments and the division office to the extent that those
30 social services are related to the programs described in the
report. Those agencies shall participate in preparing the report
32 to the extent necessary to ensure the program descriptions
accurately portray how those services fit into the overall social
34 service system and to provide the necessary fiscal information.

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

38
40 **4. Department.** "Department" means the Department of
Education, the Department of Human Services, the Department of
Mental Health and Mental Retardation and the Department of
42 Corrections; ~~the Division of Community Services of the Executive
Department;~~ the Criminal Justice Planning and Assistance Agency
44 of the Executive Department; or the Department of Transportation;
and may mean such other administrative units of State Government
46 as are defined from time to time by the commissioner, except that
the Maine Health Care Finance Commission shall may not be defined
48 as "department" for the purposes of this chapter.

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

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

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

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

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

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

26 **§1762. No facility constructed without life-cycle costs**

28 No public improvement, as defined in this chapter, public
29 school facility or other building or addition constructed or
30 substantially renovated in whole or in part with public funds or
31 using public loan guarantees, with an area in excess of 5,000
32 square feet, may be constructed without having secured from the
33 designer a proper evaluation of life-cycle costs, as computed by
34 a qualified architect or engineer. The requirements of this
35 section with respect to substantial renovation shall pertain only
36 to that portion of the building being renovated. Construction
37 shall may proceed only upon disclosing, for the design chosen,
38 the life-cycle costs as determined in section 1764 and the
39 capitalization of the initial construction costs of the facility
40 or building. The life-cycle costs shall must be a primary
41 consideration in the selection of the design. As a minimum, the
42 design shall must meet the energy efficiency building performance
43 standards promulgated by the ~~Department of Economic and Community~~
44 Office of Business Development.

46 **Sec. C-13. 5 MRSA §1764, sub-§1**, as amended by PL 1989, c.
48 501, Pt. DD, §2, is further amended to read:

50 **1. Bureau of Public Improvements to promulgate rules and**
51 **procedures.** The Bureau of Public Improvements shall promulgate
52 rules and procedures, including energy conservation guidelines,
which conform as at a minimum to the energy efficiency building

2 performance standards promulgated by the ~~Department of Economic~~
3 ~~and Community Development~~ Maine State Housing Authority, Division
4 of Energy Conservation for conducting an energy-related
5 life-cycle costs analysis of alternative architectural or
6 engineering designs, or both, and shall evaluate the efficiency
7 of energy utilization for designs in the construction and lease
8 of public improvements and public school facilities. Such rules
9 and procedures shall take effect ~~90 days after the enactment of~~
10 ~~this subchapter~~ July 1, 1989.

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

13 J. ~~The Commissioner of Economic and Community~~ Director of
14 the Office of Business Development or the ~~commissioner's~~
15 director's designee;

16 **Sec. C-15. 5 MRSA §3302, sub-§1, ¶F,** as amended by PL 1989, c.
17 501, Pt. DD, §3, is further amended to read:

18 F. Continuing analysis of the economy of the State in
19 conjunction with the ~~Department of Economic and Community~~
20 Office of Business Development; and

21 **Sec. C-16. 5 MRSA §3305, sub-§1, ¶C,** as amended by PL 1989, c.
22 501, Pt. P, §18, is further amended to read:

23 C. Conduct, in conjunction with the ~~Department of Economic~~
24 ~~and Community~~ Office of Business Development, continuing
25 economic analysis of the economy and resources of the State,
26 including economic forecasting, and collect and collate all
27 pertinent data and statistics relating thereto and assist
28 the Governor, the Legislature and the various state
29 departments in formulating economic goals and programs and
30 policies to achieve such goals. These data and statistics,
31 including census information, shall must be made available
32 to the Legislature upon request.

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

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

39 **Sec. C-17. 5 MRSA §3305, sub-§1, ¶H,** as amended by PL 1989, c.
40 501, Pt. DD, §11, is further amended to read:

41 H. Compile, analyze and maintain information useful to the
42 development of industry in the State concerning resources,
43 sites, space, equipment, adequate housing, contracts,
44

2 materials, transportation, markets, labor supply, population
trends and other economic considerations and shall measure
4 and monitor economic distress and poverty in the State on an
going ongoing basis. The State Planning Office, in
6 conjunction with the ~~Department of Economic and Community~~
Office of Business Development, shall study problems
8 peculiar to the industry and economy of this State with a
view toward the broader utilization of our natural
10 resources, which studies shall must be advanced by
12 coordination of research with existing private and
governmental agencies and educational institutions, and may
14 be advanced by contractual relations with persons or
organizations equipped to conduct the needed research. The
16 State Planning Office shall, upon request from the Governor
or any state department, assist in the preparation of
18 reports regarding the responsibilities and duties provided
by this subsection, including regular analysis of poverty
and economic distress. The State Planning Office shall
20 coordinate its activities pursuant to this paragraph with
the ~~Division of Community Services~~ Office of Business
Development to meet the annual reporting needs of the
22 ~~division~~ Office of Business Development; and

24 **Sec. C-18. 5 MRSA §6302**, as enacted by PL 1989, c. 571, Pt.
B, §2, is amended to read:

26 **§6302. Board membership; chair**

28 The board ~~shall have~~ consists of the following 16 members:
30 the Director of the State Planning Office or the director's
designee; the Chair of the Public Utilities Commission or the
32 chair's designee; the Commissioner of Environmental Protection or
the commissioner's designee; the Commissioner of Human Services
34 or the commissioner's designee; the Commissioner of Conservation
or the commissioner's designee; the ~~Commissioner of Economic and~~
36 Community Director of the Office of Business Development or the
~~commissioner's~~ director's designee; the Commissioner of
38 Agriculture, Food and Rural Resources or the commissioner's
designee; the Commissioner of Inland Fisheries and Wildlife or
40 the commissioner's designee; a representative, appointed by the
Governor, of a water utility regulated by the Public Utilities
42 Commission; a representative, appointed by the Governor, of a
municipal government; a representative, appointed by the
44 Governor, of a commercial user of water; a representative,
appointed by the Governor, of an industrial user of water; a
46 representative, appointed by the Governor, of recreational users;
a representative, appointed by the Governor, of a hydropower
48 producer; a representative, appointed by the Governor, of a
natural resources advocacy organization; and a member of the
50 public appointed by the Governor. The chair of the board shall
~~be the State Planning Office representative,~~ is the Director of

2 the State Planning Office or the director's designee.
Appointments shall ~~must~~ be made ~~within 30 days of the effective~~
4 ~~date of this Part~~ by July 31, 1989.

6 **Sec. C-19. 5 MRSA §13031, sub-§3**, as enacted by PL 1989, c.
875, Pt. L, §2 and affected by §4, is repealed.

8 **Sec. C-20. 5 MRSA §13031, sub-§3-A** is enacted to read:

10 **3-A. Director.** "Director" means the Director of the Office
12 of Business Development.

14 **Sec. C-21. 5 MRSA §13031, sub-§4**, as enacted by PL 1989, c.
875, Pt. L, §2 and affected by §4, is repealed.

16 **Sec. C-22. 5 MRSA §13031, sub-§4-A** is enacted to read:

18 **4-A. Office.** "Office" means the Office of Business
20 Development.

22 **Sec. C-23. 5 MRSA §13032**, as enacted by PL 1989, c. 875, Pt.
L, §2 and affected by §4, is amended to read:

24 **§13032. Maine Small Business Commission established**

26 The Maine Small Business Commission is established as an
independent commission within the department office to evaluate
28 small business programs, contract with the administrative unit
and exercise other powers and responsibilities as provided in
30 this chapter.

32 **Sec. C-24. 5 MRSA §13034, sub-§§2 and 3**, as enacted by PL 1989,
c. 875, Pt. L, §2 and affected by §4, are amended to read:

34 **2. Evaluate small business programs.** Evaluate the small
36 business programs administered or overseen by the department
office;

38 **3. Issue reports and recommendations.** Issue reports and
40 recommendations to the ~~commissioner~~ director, the Governor and
the Legislature in regard to small business assistance programs;
42 and

44 **Sec. C-25. 5 MRSA §13034, sub-§4, ¶¶A and B**, as enacted by PL
1989, c. 875, Pt. L, §2 and affected by §4, are amended to read:

46 **A.** Funding of professional staff must be provided by the
48 department office from resources made available to the
Office of Business Development office for personal services.
50

2 B. The department office shall provide clerical support as
required by the commission.

4 **Sec. C-26. 5 MRSA §13122, sub-§§1 and 2**, as enacted by PL 1987,
c. 816, Pt. DD, §3, are amended to read:

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

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

22 **Sec. C-27. 5 MRSA §13123, sub-§6**, as enacted by PL 1987, c.
24 816, Pt. DD, §3, is amended to read:

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

32 **Sec. C-28. 7 MRSA §1-B, last ¶**, as amended by PL 1989, c. 700,
34 Pt. A, §29, is further amended to read:

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

50 **Sec. C-29. 7 MRSA §214, sub-§3**, as amended by PL 1989, c. 700,
52 Pt. A, §30, is further amended to read:

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

16 **Sec. C-30. 7 MRSA §302, last ¶,** as enacted by PL 1983, c. 532;
17 §2, is amended to read:

18 This chapter shall must be administered by the ~~Division of~~
19 Community Department of Human Services in cooperation with
20 appropriate local, state and federal agencies. The ~~division~~
21 Department of Human Services shall make challenge grants
22 available for pilot community food center projects.

24 **Sec. C-31. 7 MRSA §403, sub-§2,** as amended by PL 1987, c. 534,
25 Pt. B, §§1 and 23, is further amended to read:

26 2. **Advice.** From time to time, the department shall consult
27 regarding operation and maintenance of the building with, and for
28 any major exhibition the department shall prior to the exhibition
29 develop a plan after a public hearing and obtain advice on the
30 proposed use of building space from, the following persons: The
31 the Commissioner of Marine Resources; the Commissioner of Inland
32 Fisheries and Wildlife; the Commissioner of Conservation; and
33 ~~Commissioner of Economic and Community~~ the Director of the Office
34 of Business Development.

35 **Sec. C-32. 7 MRSA §972,** as amended by PL 1989, c. 503, Pt. B,
36 §42, is further amended to read:

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

38 There is established an advisory committee, as authorized by
39 Title 5, section 12004-H, subsection 10, of 10 members to be
40 known as the Potato Marketing Improvement Committee. The Potato
41 Marketing Improvement Committee shall advise the commissioner on
42 the development and implementation of improved potato marketing
43 systems, including the modernization, construction and operation
44 of storage and central packing facilities. The Potato Marketing
45 Improvement Committee shall also advise the commissioner
46 concerning the funding and expenditures of the Potato Marketing
47 Improvement Fund created pursuant to section 973. The
48 Improvement Fund created pursuant to section 973. The
49 Improvement Fund created pursuant to section 973. The
50 Improvement Fund created pursuant to section 973. The
51 Improvement Fund created pursuant to section 973. The
52 Improvement Fund created pursuant to section 973. The

2 commissioner shall appoint one member representing the University
of Maine System, one member representing the Farmers Home
4 Administration, one member representing the Farm Credit System,
one member representing the ~~Department of Economic and Community~~
Office of Business Development and one member representing the
6 public. Each executive council established pursuant to Title 36,
section 4603, subsection 3, shall appoint one person to serve as
8 a member of the committee. The commissioner and the executive
councils shall appoint as members persons with education,
10 training or experience relevant to the development and
implementation of improved potato marketing systems, including
12 the modernization, construction and operation of storage and
central packing facilities and with an understanding of the
14 importance of those facilities for potato quality and marketing.
When the commissioner finds it appropriate, the members
16 representing the Farmers Home Administration and the Farm Credit
System may serve as a loan review committee and advise the
18 commissioner, on a confidential basis, on applications for
funding.

20 **Sec. C-33. 10 MRSA §933, sub-§3, ¶I,** as enacted by PL 1989, c.
22 875, Pt. K, §1 and affected by §3, is amended to read:

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

26 **Sec. C-34. 10 MRSA §934, sub-§3, ¶A,** as enacted by PL 1989, c.
28 875, Pt. K, §1 and affected by §3, is amended to read:

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

32 **Sec. C-35. 10 MRSA §962, 2nd ¶,** as enacted by PL 1987, c. 534,
34 Pt. B, §§5 and 23, is amended to read:

36 In order to fulfill these purposes and to make the best use
of the State's limited resources, the Finance Authority of Maine
38 shall consider the state economic development strategy and the
policies and activities of the ~~Department of Economic and~~
40 Community Office of Business Development and the State Planning
Office in implementing its powers, duties and responsibilities.

42 **Sec. C-36. 10 MRSA §964, sub-§3,** as enacted by PL 1987, c.
44 534, Pt. B, §§6 and 23, is amended to read:

46 3. **Programs and policies.** In implementing its powers,
duties, responsibilities and programs, the Finance Authority of
48 Maine shall consider the state economic development strategy and
the policies and activities of the ~~Department of Economic and~~
50 Community Office of Business Development and the State Planning
Office.

52

2 **Sec. C-37. 10 MRSA §965, sub-§4, ¶A**, as amended by PL 1987, c.
534, Pt. B, §§7 and 23, is further amended to read:

4 A. ~~The Commissioner of Economic and Community~~ Director of
6 the Office of Business Development;

8 **Sec. C-38. 10 MRSA §972, sub-§7**, as amended by PL 1989, c.
552, §8, is further amended to read:

10 **7. Maintain a liaison with other state agencies.** Maintain
12 a close liaison with the ~~Department of Economic and Community~~
Office of Business Development; ~~the~~ Department of Agriculture,
14 Food and Rural Resources; ~~the~~ Department of Conservation; and ~~the~~
16 Department of Marine Resources; and provide assistance to
facilitate the planning and financing of eligible projects;

18 **Sec. C-39. 10 MRSA §984, sub-§2, ¶L**, as amended by PL 1987, c.
534, Pt. B, §§9 and 23, is further amended to read:

20 L. Receive advice and assistance from, and coordinate its
22 programs with, the ~~Department of Economic and Community~~
Office of Business Development, the Maine State Housing
24 Authority, the Maine Development Foundation, the Maine
Capital Corporation, the Maine Natural Resource Capital
26 Corporation and other state agencies with relevant
expertise. In addition, programs authorized in this
28 subchapter may be coordinated or combined with other public
and private national, state, regional or local programs that
30 the agency determines will facilitate the purposes of this
subchapter; and

32 **Sec. C-40. 10 MRSA §1041, sub-§16**, as repealed and replaced by
34 PL 1989, c. 878, Pt. A, §27, is amended to read:

36 **16. Energy conservation.** Provide financial assistance for
energy conservation. The ~~Department of Economic and Community~~
38 Development Maine State Housing Authority shall provide
assistance to the authority in determining technical eligibility
40 and merit of applications for energy conservation loans. Each
recipient of a loan under this section shall provide the
42 authority, within one year, with detailed information on energy
consumption before and after the completion of the energy
44 conservation project;

46 **Sec. C-41. 10 MRSA §1100-N, sub-§2**, as amended by PL 1985, c.
344, §96, is further amended by amending the first paragraph to
48 read:

50 **2. Loan criteria and procedures.** The authority may, ~~after~~
~~consultation with the Community Services Advisory Board,~~
~~established by Title 5, section 3517,~~ promulgate rules to

2 implement the Maine Job-start Program which shall must include,
but are not be limited to, the following loan criteria:

4 **Sec. C-42. 10 MRSA §1100-T, sub-§3**, as enacted by PL 1987, c.
854, §§2 and 5, is amended to read:

6
8 **3. Priority.** The authority shall reserve \$500,000 in tax
credit authorization for "natural resource enterprises," as
10 defined in section 963-A, subsection 41, and shall reserve an
additional \$500,000 in tax credit authorization for eligible
12 investments in businesses located in ~~job-opportunity-zones~~
~~designated-pursuant-to-Title-5,-chapter-403,-or-in-contiguous~~
communities designated by the ~~Commissioner-of-Economic-and~~
14 ~~Community~~ Director of the Office of Business Development, ~~as~~
~~being-entitled-to-zone-benefits-due-to-special-circumstances.~~

16
18 **Sec. C-43. 10 MRSA §1413, sub-§7**, as amended by PL 1989, c.
501, Pt. DD, §21, is repealed.

20 **Sec. C-44. 10 MRSA §1413, sub-§7-A** is enacted to read:

22 **7-A. Director.** "Director" means the Director of the Maine
State Housing Authority.

24
26 **Sec. C-45. 10 MRSA §1414-A**, as amended by PL 1989, c. 501,
Pt. DD, §23, is further amended to read:

28 **§1414-A. Adoption of energy performance building standards by**
state agencies

30
32 Energy performance building standards adopted by state
agencies shall must be coordinated with each other, as far as
34 practicable, so that similar activities and buildings are treated
in a similar way. The ~~Commissioner-of-Economic-and-Community~~
36 ~~Development~~ Maine State Housing Authority, Division of Energy
Conservation shall assist other state agencies in developing
energy standards which that comply with this section.

38
40 **Sec. C-46. 10 MRSA §1463, sub-§3** is enacted to read:

42 **3. Director.** "Director" means the Director of the Office
of Business Development.

44 **Sec. C-47. 10 MRSA §1464**, as amended by PL 1989, c. 501, Pt.
DD, §25, is further amended to read:

46 **§1464. Regional Ride Share Services Matching Fund Program**

48
50 There is established, to carry out the purposes of this
chapter, a the Regional Ride Share Services Matching Fund Program
to be administered by the ~~Department-of-Economic-and-Community~~
52 Office of Business Development.

2 **Sec. C-48. 10 MRSA §1485, first ¶**, as amended by PL 1989, c.
301, Pt. DD, §26, is further amended to read:

4 ~~The Department of Economic and Community Development~~ Maine
5 State Housing Authority, Division of Energy Conservation shall
6 prepare, and shall keep current, an informational pamphlet
7 concerning insulation materials being used in the State. The
8 pamphlet shall must discuss the characteristics of these
9 insulation materials and the positive and negative effects which
10 that may result following installation of these materials. The
11 pamphlet shall must also include, but shall is not be limited to:

14 **Sec. C-49. 10 MRSA §1485, sub-§5**, as amended by PL 1989, c.
15 501, Pt. DD, §27, is further amended to read:

16 **5. Other information.** Such other information as the
17 ~~Department of Economic and Community Development~~ shall deem
18 Division of Energy Conservation deems necessary or appropriate.

20 **Sec. C-50. 10 MRSA §1485, 2nd ¶**, as amended by PL 1989, c.
21 501, Pt. DD, §28, is further amended to read:

24 ~~The Department of Economic and Community Development~~
25 Division of Energy Conservation shall furnish this pamphlet, upon
26 request, to any citizen of this State without charge.

28 **Sec. C-51. 10 MRSA §1493, first ¶**, as amended by PL 1989, c.
29 501, Pt. DD, §30, is further amended to read:

30 ~~The Department of Economic and Community Development~~ Maine
31 State Housing Authority, Division of Energy Conservation shall
32 establish an express warranty for the sale and installation of
33 solar energy equipment in Maine the State. This express warranty
34 shall must, at a minimum, include the following:

36 **Sec. C-52. 12 MRSA §7035, sub-§11**, as amended by PL 1987, c.
37 534, Pt. B, §§10 and 23, is further amended to read:

40 **11. Promotion of hunting, fishing and camping.** The
41 commissioner may implement a program designed to promote
42 fisheries and wildlife resources and attract hunters and
43 fishermen anglers to the State. This program may include
44 coordination of activities between the public and private sectors
45 and utilization of promotional missions, exhibits, brochures,
46 technical assistance and expertise as necessary to develop and
47 promote hunting, fishing and camping activities within the
48 State. The commissioner shall coordinate this program with the
49 activities of the ~~Department of Economic and Community~~ Office of
50 Business Development. Any purchases made as a result of that
51 coordination shall must be by competitive bid.

2 **Sec. C-53. 12 MRSA §8003, sub-§3, ¶P**, as enacted by PL 1989,
c. 555, §6, is amended to read:

4 P. The director shall act as a liaison with the Department
of Environmental Protection, the Maine Land Use Regulation
6 Commission, the Department of Inland Fisheries and Wildlife,
the ~~Office~~ Division of Comprehensive Land Use Planning
8 within the State Planning Office and the Cooperative
Extension Service on forestry issues.

10 **Sec. C-54. 12 MRSA §8867, sub-§1, ¶C**, as enacted by PL 1989,
12 c. 555, §10, is amended to read:

14 C. Consult with the ~~director~~ Deputy Director of the ~~Office~~
Division of Comprehensive Land Use Planning to ensure that
16 municipalities can integrate any rules into their
comprehensive planning process.

18 **Sec. C-55. 20-A MRSA §12704, sub-§2, ¶E**, as amended by PL
20 1987, c. 534, Pt. B, §§11 and 23, is further amended to read:

22 E. The economic development programs overseen by the
~~Department--of--Economic--and--Community~~ Office of Business
24 Development, or its successor, and other economic
development programs and agencies throughout the State;

26 **Sec. C-56. 20-A MRSA §12705, sub-§1, ¶E**, as amended by PL
28 1991, c. 20, §1, is further amended to read:

30 E. The ~~Commissioner--of--Economic--and--Community~~ Director of
32 the Office of Business Development, or the ~~commissioner's~~
director's successor, who shall ~~serve~~ serves ex officio;

34 **Sec. C-57. 23 MRSA §7105, sub-§3, ¶A**, as amended by PL 1989,
36 c. 626, is further amended to read:

38 A. Before dismantling any track that results in a cessation
of rail service upon all or part of a railroad line, or
40 offering any railroad property for sale, or upon the
abandonment of service along all or a portion of a railroad
42 line, the department shall must be given the first option to
lease or purchase, on just and reasonable terms, the
44 railroad line, any part of the railroad line or other
property. In the event that a lease is negotiated for the
46 rights-of-way, the department shall consult with municipal
officials and officers in the municipalities affected by the
48 abandonment of service along the line to determine the need
for preserving the rights-of-way along the abandoned portion
50 of the line for rail transportation. If the department
finds that the welfare of the State would be significantly
52 and adversely affected by the loss of the line for railroad
transportation purposes, the department shall seek to

2 negotiate the purchase of the abandoned portion of the
line. In making this determination, the department shall
4 consider, among other criteria deemed significant by the
department, future economic development activities and
6 opportunities in the area served by the abandoned railroad
service. In addition, the department shall consult with the
8 Department of ~~Economic--and--Community--Development,--the~~
Department of Conservation and the State Planning Office in
making the determination required in this section.

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

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

28 **Sec. C-58. 25 MRSA §2465, sub-§5-A**, as amended by PL 1989, c.
501, Pt. DD, §32, is further amended to read:

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

42 **Sec. C-59. 25 MRSA §2465, sub-§6**, as amended by PL 1989, c.
44 501, Pt. DD, §33, is further amended to read:

46 **6. Penalty.** Any person who, for compensation, constructs
or installs chimneys, fireplaces, vents or solid fuel burning
48 appliances in violation of the standards, and permits such
violation to remain uncorrected after 30 days' notice from any
50 official empowered to enforce this section, ~~shall--be~~ is
considered guilty of a civil violation and ~~shall-be~~ is subject to
52 a forfeiture of not more than \$500 for each violation. The court

2 may waive any penalty or cost against any violator upon
satisfactory proof that the violation was corrected within 30
4 days of the issuance of a complaint.

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

16 **Sec. C-60. 26 MRSA §3**, as amended by PL 1987, c. 534, Pt. B,
§§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~~
30 ~~Community Development and to the~~ State Planning Office and the
Office of Business Development for the purposes of analysis and
32 evaluation, measuring and monitoring poverty and economic and
social conditions throughout the State and to promote economic
34 development with the understanding that the confidentiality of
the information will be maintained.

36 **Sec. C-61. 26 MRSA §1452**, as amended by PL 1989, c. 700, Pt.
38 A, §106, is further amended to read:

40 **§1452. Maine Occupational Information Coordinating Committee**

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

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

12 Sec. C-62. 26 MRSA §2005, sub-§3, ¶B, as repealed and replaced
13 by PL 1989, c. 878, Pt. A, §73, is amended to read:

14 B. The Governor shall appoint 7 members representing any of
15 the following:

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

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

34 Sec. C-63. 30-A MRSA §2341, sub-§2, as amended by PL 1989, c.
35 104, Pt. C, §§8 and 10, is further amended to read:

36 2. Revisions. The Governor, after consulting with the
37 ~~Department of Economic and Community~~ Office of Business
38 Development, regional councils and the officers of the
39 municipalities and counties involved, may revise the district
40 boundaries to reflect changing conditions or otherwise to fulfill
41 the purposes of this subchapter.

44 Sec. C-64. 30-A MRSA §2342, sub-§1, ¶¶A and B, as amended by
45 PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

46 A. When 2 or more contiguous regional councils are
47 affected, and the ~~Department of Economic and Community~~
48 Office of Business Development determines that:

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

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

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

16 **Sec. C-65. 30-A MRSA §3272, sub-§2, ¶A**, as amended by PL 1989,
c. 501, Pt. DD, §34, is further amended to read:

18 A. The commission may seek technical assistance from the
20 ~~Department of Economic and Community Development~~ Maine State
Housing Authority, Division of Energy Conservation. That
22 ~~department~~ division shall notify local energy commissions,
in writing, of plans and projects that may affect those
24 commissions, if the commission so requests.

26 **Sec. C-66. 30-A MRSA §3272, sub-§3**, as amended by PL 1989, c.
501, Pt. DD, §35, is further amended to read:

28 3. **Notice of formation; records, annual report.** The
30 commission shall notify the ~~Department of Economic and Community~~
Development Maine State Housing Authority, Division of Energy
32 Conservation of its formation. The commission shall keep records
of its meetings and activities and shall make an annual report to
34 the municipality.

36 **Sec. C-67. 30-A MRSA §4301, sub-§6-B** is enacted to read:

38 **6-B. Division.** "Division" means the Division of
Comprehensive Land Use Planning within the State Planning Office.

40 **Sec. C-68. 30-A MRSA §4344, first ¶**, as enacted by PL 1989, c.
42 104, Pt. A, §45 and Pt. C, §10, is amended to read:

44 There is established a program of technical and financial
assistance and incentives to regional councils and municipalities
46 to encourage and facilitate the adoption and implementation of
local growth management programs throughout the State. The
48 ~~office~~ division shall administer the program.

50 **Sec. C-69. 30-A MRSA §4344, sub-§1**, as amended by PL 1989, c.
52 908, §§2 and 3, is further amended to read:

2 1. **Municipal assistance priorities.** With assistance from
4 regional councils and municipalities, the effice division shall
6 develop a priority list and establish funding levels for planning
8 and technical assistance grants to municipalities. Priority for
10 assistance shall-be is based on a municipality's:

12 A. Scheduled comprehensive plan development under section
14 4343, subsection 1; and

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

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

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

34 **Sec. C-70. 30-A MRSA §4344, sub-§2**, as enacted by PL 1989, c.
36 104, Pt. A, §45 and Pt. C, §10, is amended to read:

38 2. **Municipal planning assistance.** The effice division
40 shall develop and administer a grant program to provide direct
42 financial assistance to municipalities in the preparation of
44 comprehensive plans under this subchapter. The effice division
46 shall establish provisions for municipal matching funds, not to
48 exceed 25%, to conduct activities under this section. Grants may
50 be expended for any purpose directly related to the preparation
52 of a municipal comprehensive plan as the municipality and the
effice division may agree, including, without limitation:

A. The conduct of surveys, inventories and other data
gathering activities;

B. The hiring of planning and other technical staff;

C. The retention of planning consultants;

D. Contracts with regional councils for planning and
related services; and

E. Other related purposes.

Sec. C-71. 30-A MRSA §4344, sub-§§3 and 4, as amended by PL
1989, c. 562, §14, are further amended to read:

3. **Municipal technical assistance.** The effice division
shall establish a program of technical assistance using its own
staff, the staff of other state agencies and the resources of

2 regional councils to help municipalities develop, administer and
3 enforce local growth management programs. By January 1, 1990,
4 the ~~effiee~~ division shall develop a set of model land use
5 ordinances and other mechanisms consistent with the goals and
6 guidelines of this subchapter.

7 **4. Municipal implementation assistance.** The ~~effiee~~
8 division shall develop and administer a matching grant program to
9 provide direct financial and technical assistance to
10 municipalities for the development and implementation of local
11 growth management programs. The maximum municipal cost share may
12 not exceed 25%. The grants may be expended for any purpose
13 directly related to the preparation of policies, programs and
14 land use ordinances implementing a comprehensive plan that is
15 consistent with this subchapter. Eligible activities include,
16 but are not limited to:

17 A. Assistance in the development of ordinances;

18 B. Retention of technical and legal expertise for
19 permitting activities; and

20 C. The updating of local growth management programs or
21 components of the program.

22
23 **Sec. C-72. 30-A MRSA §4344, sub-§§5 and 6,** as enacted by PL
24 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

25
26 **5. Regional council assistance.** The ~~effiee~~ division shall
27 develop and administer a program to develop regional education
28 and training programs, regional policies to address state goals
29 and regional assessments. These assessments may include, but are
30 not limited to, public infrastructure, inventories of
31 agricultural and commercial forest lands, housing needs,
32 recreation and open space needs, and projections of regional
33 growth and economic development. The ~~effiee~~ division shall
34 establish guidelines to ensure methodological consistency among
35 the State's regional councils. The ~~effiee~~ division shall also
36 develop and administer a series of contracts with regional
37 councils to support the involvement of the regional councils in
38 the ~~effiee's~~ division's review of local growth management
39 programs.
40
41

42
43 **6. Enforcement assistance program.** The ~~effiee~~ division
44 shall administer a program of training and financial assistance
45 for municipal code enforcement officers. For a period of up to
46 12 months for any municipal code enforcement officer, the program
47 shall must provide funding for educational expenses leading to
48 certification under section 4451 and salary reimbursement while
49 in training.
50

2 **Sec. C-73. 30-A MRSA §4344, sub-§7**, as amended by PL 1989, c.
562, §14, is further amended to read:

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

16 **Sec. C-74. 30-A MRSA §4451, sub-§1**, as enacted by PL 1989, c.
18 104, Pt. A, §45 and Pt. C, §10, is amended to read:

20 **1. Certification required; exceptions.** Beginning January
22 1, 1993, a municipality may not employ any individual to perform
the duties of a code enforcement officer who is not certified by
the office division, except that:

24 A. An individual has 12 months after beginning employment
26 to be trained and certified as provided in this section; and

28 B. Whether or not any extension is available under
30 paragraph A, the office division may waive this requirement
for up to one year if the certification requirements cannot
32 can not be met without imposing a hardship on the
municipality employing the individual.

34 **Sec. C-75. 30-A MRSA §4451, sub-§3**, as amended by PL 1989, c.
36 878, Pt. A, §87, is further amended to read:

38 **3. Training and certification of code enforcement**
officers. In cooperation with the Maine Technical College System
and the Department of Human Services, the office division shall
40 establish a continuing education program for individuals engaged
in code enforcement. This program shall must provide basic and
42 advanced training in the technical and legal aspects of code
enforcement necessary for certification, including, but not
44 limited to:

46 A. Plumbing inspection;

48 B. Soils and site evaluation;

50 C. Electrical inspection;

52 D. State and federal environmental requirements;

- 2 E. Zoning ordinances;
- 4 F. Court techniques; and
- 6 G. Other enforcement information.

8 **Sec. C-76. 30-A MRSA §4451, sub-§§4 to 6**, as enacted by PL
10 1989, c. 104, Pt. A, §45 and Pt. C, §10, are amended to read:

12 **4. Examination.** The effiee division shall conduct at least
14 one examination each year to examine candidates for certification
16 or recertification at a time and place designated by it. The
18 effiee division may conduct additional examinations to carry out
20 the purposes of this subchapter.

22 **5. Certification standards.** The effiee division shall
24 establish by rule the qualifications, conditions and licensing
26 standards and procedures for the certification and
28 recertification of individuals as code enforcement officers. A
30 code enforcement officer need only be certified in the areas of
32 actual job responsibilities. The rules established under this
34 subsection shall must identify standards for each of the areas of
36 training under subsection 3, in addition to general standards
38 that apply to all code enforcement officers.

40 **6. Certification; terms; revocation.** The effiee division
42 shall certify individuals as to their competency to successfully
44 enforce ordinances and other land use regulations and permits
46 granted under those ordinances and regulations and shall issue
48 certificates attesting to the competency of those individuals to
50 act as code enforcement officers. Certificates are valid for 5
52 years unless revoked by the Administrative Court.

A. The Administrative Court may revoke the certificate of a
code enforcement officer, in accordance with Title 4,
chapter 25, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the effiee division; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the effiee division.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new

certificates provided that they are newly certified as provided in this section.

Sec. C-77. 30-A MRSA §4753, first ¶, as enacted by PL 1989, c. 48, §§3 and 31, is amended to read:

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

Sec. C-78. 30-A MRSA §4753, sub-§2, as enacted by PL 1989, c. 914, §4, is amended to read:

2. Assessment of housing stock. The Maine State Housing Authority in conjunction with municipalities and the ~~Department of Economic and Community Development~~ State Planning Office 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.

The Maine State Housing Authority shall report its findings to the Governor and the Legislature biennially, beginning March 1, 1991, on the adequacy of data collection and shall recommend ways 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.

Sec. C-79. 30-A MRSA §4912, first ¶, as amended by PL 1989, c. 501, Pt. DD, §36, is further amended to read:

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

Sec. C-80. 30-A MRSA §5002, sub-§1, as enacted by PL 1989, c. 601, Pt. B, §4, is repealed.

Sec. C-81. 30-A MRSA §5002, sub-§2, as amended by PL 1989, c. 875, Pt. M, §11 and affected by §13, is further amended to read:

2. Affordable housing. "Affordable housing" means decent, safe and sanitary dwellings, apartments or other living accommodations for low-income and moderate-income households. ~~The Office of Community Development in consultation with the~~

2 Maine State Housing Authority shall define "affordable housing"
by rule. Affordable housing includes, but is not limited to:

- 4 A. Government-assisted housing;
- 6 B. Housing for low-income and moderate-income families;
- 8 C. Manufactured housing;
- 10 D. Multifamily housing; and
- 12 E. Group and foster care facilities.

14 **Sec. C-82. 30-A MRSA §5002, sub-§§4 and 5**, as enacted by PL
1989, c. 601, Pt. B, §4, are repealed.

16 **Sec. C-83. 30-A MRSA §5002, sub-§5-A** is enacted to read:

18 5-A. Director. "Director" means the Director of the Maine
20 State Housing Authority.

22 **Sec. C-84. 30-A MRSA §5002, sub-§8**, as amended by PL 1989, c.
24 875, Pt. M, §11 and affected by §13, is further amended to read:

26 **8. Housing alliance or alliance.** "Housing alliance" or
"alliance" means the Maine Affordable Housing Alliance within the
28 ~~Office of Community Development~~ Maine State Housing Authority, as
established in Title 5 30-A, section ~~13086~~ 5061.

30 **Sec. C-85. 30-A MRSA §5002, sub-§14** is enacted to read:

32 14. Office. "Office" means the Office of Business
34 Development.

36 **Sec. C-86. 30-A MRSA §5003, last ¶**, as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

38 The Maine State Housing Authority is best able to provide
40 resources, technical assistance and support to both profit and
nonprofit housing producers. The ~~department~~ office is best able
42 to provide resources, technical assistance and support to Maine's
municipalities, especially in areas such as planning, zoning,
44 infrastructure development and similar activities necessary for
the development of affordable housing.

46 **Sec. C-87. 30-A MRSA §5004, first ¶**, as enacted by PL 1989, c.
48 601, Pt. B, §4, is amended to read:

50 With respect to the administration and implementation of
this chapter, the state authority and the housing alliance shall
consult on a regular basis to make the best use of the resources

2 available, to avoid unnecessary duplication of services and
activities, to target resources in a manner that will produce the
4 most impact and to leverage the most additional resources
possible to address the affordable housing crisis. The state
6 authority shall consult with the interagency task force, ~~and the
housing alliance shall consult with the advisory committee~~ on a
regular basis for the purposes set forth in this chapter.

8

10 **Sec. C-88. 30-A MRSA §5004, sub-§1**, as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

12 1. **Plan.** The department office and the housing authority,
jointly and in consultation with the interagency task force and
14 ~~the advisory committee~~, shall develop a plan for the development
of affordable housing for lower and moderate-income households in
16 Maine. This plan shall must include, but is not limited to:

18 A. Long-term and short-term goals and objectives for
developing affordable housing in Maine;

20

22 B. Provisions defining the process by which the efforts and
resources of state agencies will be coordinated with the
efforts and resources of municipalities and the private
24 sector to address the affordable housing crisis;

26 C. The criteria essential for the awarding of grants,
making loans and providing technical and other forms of
28 assistance and support to municipalities, nonprofit housing
corporations and for-profit housing developers under this
30 chapter; and

32 D. Proposed rules to be adopted by each agency to implement
this chapter.

34

36 **Sec. C-89. 30-A MRSA §5006**, as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

38 **§5006. Coordination and cooperation**

40 All state agencies and independent state agencies shall
cooperate with the authority and the department office with
42 respect to the implementation of this chapter. Whenever
possible, all state agencies and independent state agencies shall
44 coordinate their resources and activities with those of the
department office and the state authority to address the
46 affordable housing crisis.

48 **Sec. C-90. 30-A MRSA §5013, sub-§7**, as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

50

52 7. **Provide technical assistance.** Within the resources of
the department office, provide technical assistance and

2 information to municipalities with respect to the development of
affordable housing;

4 **Sec. C-91. 30-A MRSA §5021, first ¶,** as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

6
8 The authority shall administer a program to be implemented
through nonprofit housing corporations to develop affordable
10 housing. In administering this program, the authority shall
consult with the housing alliance to coordinate the resources
12 provided by the authority with resources that may be available
through a municipality or the department office.

14 **Sec. C-92. 30-A MRSA §5022,** as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

16 **§5022. Office of Nonprofit Housing**

18
20 The state authority shall establish the Office of Nonprofit
Housing within the authority. The executive director shall
22 appoint a ~~director~~ the Director of the Office of Nonprofit
Housing and provide staff for the that office.

24 The ~~office~~ Office of Nonprofit Housing shall monitor and
assist nonprofit housing corporations under this subchapter and
26 any other programs involving nonprofit corporations under the
state authority. The ~~office~~ Office of Nonprofit Housing shall
28 oversee the activities of the nonprofit housing corporations as
provided in this subchapter.

30
32 **Sec. C-93. 30-A MRSA §5033, sub-§2,** as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

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

46
48 **Sec. C-94. 30-A MRSA §5041,** as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

2
3 **§5041. Task force created**

4 The Interagency Task Force on Homelessness and Housing
5 Opportunities, established in accordance with Title 5, chapter
6 379, shall serve as an advisory committee with respect to the
7 administration and implementation of this chapter to the state
8 authority, the department office, the Governor and the
9 Legislature.

10 **Sec. C-95. 30-A MRSA §5042, sub-§1, ¶A**, as amended by PL 1989,
11 c. 700, Pt. A, §128, is further amended to read:

12 A. The commissioners or their designees of:

13 (1) The Department of Human Services;

14 (2) The Department of Labor;

15 (3) The Department of Corrections;

16 (4) The Department of Education; and

17 ~~(5) The Department of Economic and Community~~
18 ~~Development; and~~

19 ~~(6)~~ (5) The Department of Mental Health and Mental
20 Retardation;

21 **Sec. C-96. 30-A MRSA §5042, sub-§1, ¶B**, as enacted by PL 1989,
22 c. 601, Pt. B, §4, is amended to read:

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

24 (1) The Maine State Housing Authority; and

25 ~~(2) The Division of Community Services;~~

26 (2) The Office of Business Development;

27 **Sec. C-97. 30-A MRSA §5042, sub-§4**, as enacted by PL 1989, c.
28 601, Pt. B, §4, is amended to read:

29 4. **Staff.** The authority and the department office shall
30 provide staff support to the interagency task force. State
31 agencies represented on the task force shall also provide
32 assistance when requested.

33 **Sec. C-98. 30-A MRSA §§5051 and 5052**, as enacted by PL 1989,
34 c. 601, Pt. B, §4, are amended to read:

2 **§5051. Administration and implementation**

4 The ~~commissiener~~ director, in consultation with the
6 ~~executive-director-of-the-state-authority-and-the~~ interagency
8 task force, shall administer this subchapter. The department
10 office and the state authority shall coordinate the resources
12 available to each agency to address residential deteriorating
14 areas and to restore these areas to decent, sanitary and safe
16 residential neighborhoods.

18 **§5052. Designation of urban housing zones**

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

34 **1. Standards for zones.** The ~~commissiener~~ director, in
36 ~~consultation--with--the--state--authority,~~ by rules adopted in
38 accordance with the Maine Administrative Procedure Act, Title 5,
40 chapter 375, shall establish standards for the selection of areas
42 to be designated as zones and the provision of assistance to
44 those zones. At a minimum, the ~~commissiener~~ director shall apply
46 the following standards.

48 A. The zones must be located in urban areas experiencing
50 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 office.

 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 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 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 ~~commissiener~~ director shall also
consider the problem of crime in these areas.

2 **Sec. C-99. 30-A MRSA §5053, first ¶,** as enacted by PL 1989, c.
601, Pt. B, §4, is amended to read:

4 The ~~commissioner~~ director, in consultation with the state
authority ~~and the~~ interagency task force, may:

6 **Sec. C-100. 30-A MRSA §5053, sub-§3,** as enacted by PL 1989, c.
8 601, Pt. B, §4, is amended to read:

10 **3. Withhold or refuse payment of money.** Withhold or refuse
payment of money for any activity not authorized by the plan, the
12 ~~commissioner~~ director or the municipality.

14 **Sec. C-101. 30-A MRSA §5054,** as enacted by PL 1989, c. 601,
Pt. B, §4, is amended to read:

16 **§5054. Duties of director**

18 In implementing this subchapter, the ~~commissioner~~ director
20 shall:

22 **1. Work with interagency task force.** Work with the
interagency task force and the Commissioner of Public Safety to
24 coordinate the resources of state agencies to be applied to the
zones including, but not limited to:

26 A. Job training programs;

28 B. Educational and vocational training;

30 C. Child care assistance; and

32 D. Crime prevention programs;

34 **2. Coordinate with state authority and municipality.**
36 Coordinate the resources of the ~~department~~ office with the
resources of the state authority and the municipality to address
38 residential housing deterioration;

40 **3. Prepare information and notify municipalities.** Prepare
information about the program, including applications for
42 designations as zones, and notify municipalities;

44 **4. Provide technical assistance.** Provide technical
assistance to municipalities in developing plans to address
46 residential and neighborhood deterioration. Technical assistance
provided under this subsection shall ~~include~~ includes technical
48 assistance provided by state agencies represented on the
interagency task force;

50 **5. Analyze problems and causes of problems that create**
52 **residential blight.** In ~~implementing this subsection,~~ ~~the~~

2 ~~commissioner~~ Monitor, with the interagency task force and ~~the~~
state ~~authority shall monitor~~, the 4 demonstration zones and
4 develop findings and recommendations concerning neighborhood
deterioration and revitalization; and

6 **6. Establish priorities for direct financial assistance.**
Establish priorities for direct financial assistance, which may
8 include, but are not limited to:

10 A. Financial assistance to owner-occupied rental and
single-family homes for the restoration of dwelling units;

12 B. Financial assistance to shelters for the homeless;

14 C. Financial assistance for the removal of structures
16 beyond rehabilitation; and

18 D. Financial assistance for the creation of recreational
and park areas.

20 **Sec. C-102. 30-A MRSA §5055, first ¶**, as enacted by PL 1989, c.
22 601, Pt. B, §4, is amended to read:

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

36 **Sec. C-103. 30-A MRSA §5253, sub-§1, ¶E**, as repealed and
replaced by PL 1989, c. 104, Pt. A, §47 and amended by c. 508,
38 §5, is repealed and the following enacted in its place:

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

44 (1) The Director of the Office of Business Development
46 shall adopt any rules necessary to allocate or
48 apportion the designation of captured assessed value of
property within tax increment financing districts in
accordance with these limitations.

50 (2) Fifteen percent of the project costs for the
52 development program must be incurred within 9 months of
the designation of the tax increment financing district

2 by the Director of the Office of Business Development.
3 The development program must be completed within 5
4 years of the designation of the tax increment financing
5 district by the director.

6 **Sec. C-104. 30-A MRSA §5253, sub-§1, ¶F,** as amended by PL
7 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

8
9 F. Before final designation of a tax increment financing
10 district, the ~~Commissioner of Economic and Community~~
11 Director of the Office of Business Development shall review
12 the proposal to ensure that it complies with statutory
13 requirements and shall identify tax shifts within the county
14 where the district will exist. A designation under this
15 subsection is effective upon approval by the municipal
16 legislative body and, for tax increment financing districts,
17 the ~~Commissioner of Economic and Community Development~~
18 director. If the municipality has a charter, the
19 designation shall must be done in accordance with the
20 provisions of the charter.

21 **Sec. C-105. 32 MRSA §8002,** as amended by PL 1989, c. 501, Pt.
22 DD, §37, is further amended to read:

23 **§8002. Installation training**

24
25 The ~~Department of Economic and Community Development~~ Maine
26 State Housing Authority, Division of Energy Conservation shall
27 establish a voluntary training program for installers of solar
28 energy equipment.

29
30 This training program shall must consist of a minimum of 15
31 hours of instruction in the various aspects of solar energy
32 system installation. The course content for the installation
33 training program shall must be developed by the ~~Department of~~
34 ~~Economic and Community Development~~ division, in cooperation with
35 the Plumbers' Examining Board. The ~~Department of Economic and~~
36 ~~Community Development~~ division shall, in accordance with the
37 Maine Administrative Procedure Act, Title 5, chapter 375,
38 promulgate all necessary rules pertaining to qualifications,
39 certification and recertification of solar energy and inspection
40 thereof, consistent with this chapter.

41 **Sec. C-106. 32 MRSA §8003,** as amended by PL 1989, c. 501, Pt.
42 DD, §38, is further amended to read:

43 **§8003. Installer certification**

44
45 Upon notice from the ~~Department of Economic and Community~~
46 Development Maine State Housing Authority, Division of Energy
47 Conservation, the Department of Professional and Financial
48 Regulation shall issue solar energy installer's certificates to
49
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2 those individuals who meet the requirements listed in this
3 section. The Department of Professional and Financial Regulation
4 shall keep all relevant records. The following requirements
5 shall must be met:

6 **1. Training course and examination.** Attendance of a
7 minimum of 15 hours at a ~~Department of Economic and Community~~
8 ~~Development~~ sponsored an installation training course sponsored
9 by the Division of Energy Conservation and successful completion
10 of a written examination encompassing solar energy installation
11 techniques;

12 **2. Experience.** Proof of at least one year of experience in
13 the installation of solar energy equipment and proof of
14 installation of at least 5 solar energy units, subject to an
15 approved inspection by the ~~Department of Economic and Community~~
16 ~~Development~~ Division of Energy Conservation; or

17 **3. Competency in installation.** Completion of a solar
18 energy installation training course which is determined by the
19 ~~Department of Economic and Community Development~~ Division of
20 Energy Conservation to equip an individual with the skills
21 necessary to achieve competency in the installation of solar
22 energy equipment.

23 **Sec. C-107. 32 MRSA §8004, first ¶,** as amended by PL 1989, c.
24 501, Pt. DD, §39, is further amended to read:

25 The ~~Department of Economic and Community Development~~ Maine
26 State Housing Authority, Division of Energy Conservation, in
27 coordination with the Department of Professional and Financial
28 Regulation, shall investigate or cause to be investigated all
29 complaints against certified solar energy installers and all
30 cases of violations of this chapter. The ~~Department of Economic~~
31 ~~and Community Development~~ division may refuse to renew the
32 certification and the Administrative Court may suspend or revoke
33 the certification of a solar energy installer who is found guilty
34 of:

35 **Sec. C-108. 32 MRSA §8023,** as amended by PL 1989, c. 501, Pt.
36 DD, §40, is further amended to read:

37 **§8023. Certification**

38 The ~~Department of Economic and Community Development~~ Maine
39 State Housing Authority, Division of Energy Conservation shall
40 issue energy auditors' certificates to those individuals who meet
41 the requirements listed in this section. The ~~Department of~~
42 ~~Economic and Community Development~~ division shall maintain all
43 relevant records.

2 1. **Examination.** Individuals must successfully complete a
written examination administered by the Department of Economic
4 and Community Development Division of Energy Conservation, or an
examination which that receives the approval of the Department of
6 Economic and Community Development division, encompassing energy
auditing techniques. Separate examinations for residential and
commercial building audits shall must be administered.

8
2. **Experience.** Individuals must demonstrate proof of
10 completion of at least 5 energy audits, subject to an approval
inspection by the Department of Economic and Community
12 Development Division of Energy Conservation.

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

20 **Sec. C-109. 32 MRSA §8024**, as amended by PL 1989, c. 501, Pt.
DD, §41, is further amended to read:

22 **§8024. Fees**

24
26 The Commissioner of Economic and Community Development
Director of the Division of Energy Conservation within the Maine
28 State Housing Authority may establish reasonable fees for the
issuance and renewal of energy auditors' certificates, based on
30 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 division for the purposes of this chapter.

32
34 **Sec. C-110. 32 MRSA §8025, first ¶**, as amended by PL 1989, c.
501, Pt. DD, §42, is further amended to read:

36 The Department of Economic and Community Development Maine
State Housing Authority, Division of Energy Conservation shall
38 investigate, or cause to be investigated, all complaints against
certified energy auditors and all cases of violations of this
40 chapter. The Department of Economic and Community Development
division may refuse to renew the certification, or the
42 Administrative Court may suspend or revoke the certification, of
an energy auditor who is found guilty of:

44
46 **Sec. C-111. 32 MRSA §8027**, as amended by PL 1989, c. 501, Pt.
DD, §43, is further amended to read:

48 **§8027. Renewals**

50 All certificates shall expire on December 31st of the 2nd
year following issuance or at such other times as the
52 Commissioner of Economic and Community Development Director of

2 the Division of Energy Conservation within the Maine State
3 Housing Authority may designate.

4 The certificates may be renewed on a biennial basis without
5 further examination upon the payment of the proper fee. The
6 ~~Department of Economic and Community Development~~ Division of
7 Energy Conservation shall notify each person registered under
8 this chapter of the date of expiration of that person's
9 certificate and the amount of fee required for the certificate
10 renewal for a 2-year period. The notice shall must be mailed to
11 the person's last known address at least 30 days prior to the
12 expiration date of the certificate. Any person, who fails to
13 renew the certificate within a period of 90 days following the
14 expiration date, may be required by the ~~Department of Economic~~
15 ~~and Community Development~~ division to take an examination in
16 order to be recertified.

18 **Sec. C-112. 32 MRSA §8028**, as amended by PL 1989, c. 501, Pt.
19 DD, §44, is further amended to read:

20 **§8028. Rules**

22 The ~~Department of Economic and Community Development~~ Maine
23 State Housing Authority, Division of Energy Conservation may, in
24 accordance with the Maine Administrative Procedure Act, Title 5,
25 chapter 375, adopt rules necessary to implement this chapter.

28 **Sec. C-113. 34-A MRSA §3035-A, sub-§1**, as enacted by PL 1989,
29 c. 587, §1, is amended to read:

30 **1. Feasibility analysis.** The commissioner, ~~together with~~
31 ~~the Department of Economic and Community Development, Office of~~
32 ~~Waste Recycling and Reduction,~~ shall study the feasibility of
33 establishing a prison program to train and employ inmates in the
34 salvaging and recycling of solid waste. The term "salvaging"
35 means the reclaiming of paper, glass, metals, wood and other
36 materials commonly found in solid waste. The term "recycling"
37 means the converting of salvaged waste into useful products. The
38 commissioner shall coordinate the study with existing state
39 recycling efforts including those conducted at the Augusta Mental
40 Health Institute. The commissioner shall report the results of
41 this study to the joint select and joint standing committees of
42 the Legislature having jurisdiction over energy and natural
43 resource matters, appropriations and financial affairs, and
44 corrections matters, on or before January 1, 1990.

46 **Sec. C-114. 34-B MRSA §1214, sub-§3**, as amended by PL 1989, c.
47 700, Pt. A, §163 and c. 729, is repealed and the following
48 enacted in its place:

50 **3. Membership.** The council is composed of 4 members: the
51 Commissioner of Corrections; the Commissioner of Education; the

2 Commissioner of Human Services; and the Commissioner of Mental
3 Health and Mental Retardation.

4 **Sec. C-115. 36 MRSA §6220**, as amended by PL 1989, c. 878, Pt.
5 B, §38, is further amended to read:

6 **§6220. Coordination required**

7
8 The Bureau of Taxation shall seek the advice and cooperation
9 of the Bureau of Elder and Adult Services; the Bureau of Income
10 Maintenance; ~~the Division of Community Services;~~ advocates for
11 elderly and low-income individuals; the Maine Literacy Coalition;
12 and other interested agencies and organizations in developing the
13 application form and instruction booklet for the Maine Residents
14 Property Tax Program and the outreach plan required by section
15 6219.

16
17 **Sec. C-116. 38 MRSA §361, sub-§1-F**, as enacted by PL 1987, c.
18 787, §12, is amended to read:

19
20 **1-F. Affordable housing.** "Affordable housing" means
21 dwellings, apartments or other living accommodations for
22 households making at or below 80% of the median household income
23 as determined by the ~~Department of Economic and Community~~
24 ~~Development~~ Maine State Housing Authority.

25
26 **Sec. C-117. 38 MRSA §489-A, sub-§3**, as affected by PL 1989, c.
27 890, Pt. A, §40 and amended by Pt. B, §98, is further amended to
28 read:

29
30 **3. Certification.** A municipality certified by the
31 ~~Department of Economic and Community Development~~ State Planning
32 Office, Division of Comprehensive Land Use Planning under Title
33 30-A, chapter 191, may be registered if the board finds the
34 municipality has fulfilled the requirements of subsection 2 and
35 applies to be registered.

36
37 **Sec. C-118. 38 MRSA §2134, sub-§2**, as enacted by PL 1989, c.
38 585, Pt. A, §7, is amended to read:

39
40 **2. Incentive program.** An incentive program to encourage
41 end users of materials to be recycled to locate or expand their
42 operations within the State. The office shall consult with the
43 Finance Authority of Maine and the ~~Department of Economic and~~
44 ~~Community~~ Office of Business Development in developing this
45 element;

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48 **PART D**

49
50 **Sec. D-1. Abolition of positions.**

2 1. The following positions formerly within the Executive
Department, Division of Community Services, are abolished:
4 Director, Deputy Director and Assistant to the Director.

6 2. The following positions formerly within the Department
of Economic and Community Development are abolished: the
8 Commissioner, one Policy Development Specialist, one Development
Project Officer, one Administrative Assistant to the
10 Commissioner, the Deputy Commissioner of the former Office of
Community Development and 3 Development Director positions.

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

18 **Sec. D-2. Transition provisions.** The following provisions apply
to the reassignment of the duties and responsibilities of the
20 former Division of Community Services and the former Department
of Economic and Community Development.

22 1. The Department of Human Services is the successor in
24 every way to the powers, duties and functions of the former
Division of Community Services in the areas of energy assistance,
26 food assistance and Head Start. The Maine State Housing
Authority is the successor in every way to the powers, duties and
28 functions of the former Division of Community Services in the
area of energy conservation.

30 2. The State Planning Office is the successor in every way
32 to the powers, duties and functions of the following offices and
programs of the former Department of Economic and Community
34 Development:

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

44 B. The Community Development Block Grant Program;

46 C. Comprehensive land use planning including the economic
48 corridor grant; and

50 D. International commerce.

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

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

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

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

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

18 E. The historical marker program as described in Title 5,
20 section 13066; and

22 F. Tourism activities, the Maine Tourism Commission and the
Travel Promotion Matching Fund Program as described in Title
24 5, section 13065; section 13067, subsection 2; and section
13068 respectively.

26 4. The Maine State Housing Authority is the successor in
28 every way to the powers, duties and functions of the Division of
Energy Conservation and the Maine Affordable Housing Alliance of
30 the former Department of Economic and Community Development.

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

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

48 7. All existing rules and procedures in effect, in
50 operation or promulgated in or by the former Division of
Community Services or any of its administrative units or officers

2 are hereby declared in effect and continue in effect until
rescinded, revised or amended by the proper authority.

4 8. All existing rules and procedures in effect, in
operation or promulgated in or by the former Department of
6 Economic and Community Development or any of its administrative
units or officers are hereby declared in effect and continue in
8 effect until rescinded, revised or amended by the proper
authority.

10 9. All existing contracts, agreements and compacts
12 currently in effect in the former Division of Community Services
continue in effect.

14 10. All existing contracts, agreements and compacts
16 currently in effect in the former Department of Economic and
Community Development continue in effect.

18 11. Any authorized and allocated positions not specifically
20 deleted in section D-1 of this Act that are subject to the
personnel laws of the former Division of Community Services may
22 continue to be authorized. Authorized positions and incumbent
personnel in food assistance, fuel assistance and Head Start
24 programs are transferred to the Department of Human Services.
The following provisions apply to any state personnel transferred
26 to the Department of Human Services under this Act.

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

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

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

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

44 12. Authorized positions and incumbent personnel in energy
46 conservation programs of the former Division of Community
Services and the former Department of Economic and Community
48 Development who are transferred to the Maine State Housing
Authority are subject to the provisions of this subsection.

50 A. Transferred employees may, at their option, remain state
52 employees as long as they remain continuously in their

2 current positions or in other positions that were
3 transferred from either the Division of Community Services
4 or the Department of Economic and Community Development to
5 the Maine State Housing Authority on the effective date of
6 this Act. Employees who do not remain state employees
7 become employees of the Maine State Housing Authority with
8 the rights and obligations of other authority employees.

9
10 B. Transferred employees who remain state employees retain
11 their accrued fringe benefits associated with state
12 employment, including vacation and sick leave and health and
13 life insurance, as long as they continue as state employees.

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

21 D. Transferred employees who elect to remain state
22 employees remain members of the Maine State Retirement
23 System as long as they remain state employees.

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

29 F. Positions of transferred employees who remain state
30 employees are terminated when vacated by those employees,
31 unless filled by other transferred employees who elected to
32 remain state employees. Positions similar to those
33 terminated may be established within the Maine State Housing
34 Authority.

35 G. The Department of Administration, Bureau of Human
36 Resources shall assist with the orderly implementation of
37 these provisions.

38
39
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41 13. All records, property and equipment previously
42 belonging to or allocated for the use of the former Division of
43 Community Services must be transferred with the program to which
44 they were assigned. On the effective date of this Act, records,
45 property and equipment assigned to food assistance, fuel
46 assistance and Head Start programs become part of the property of
47 the Department of Human Services; records, property and equipment
48 assigned to energy conservation programs become part of the Maine
49 State Housing Authority.
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2 14. All records, property and equipment previously
4 belonging to or allocated for the use of the former Department of
6 Economic and Community Development must be transferred with the
8 program to which they were assigned, pursuant to Part B of this
10 Act. The records of programs, commissions, offices or divisions
12 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.

14 15. All existing forms, licenses, letterheads and similar
16 items bearing the name of or referring to the Division of
18 Community Services may be used by the Department of Human
Services and the Maine State Housing Authority until existing
supplies of those items are exhausted.

20 16. All existing forms, licenses, letterheads and similar
22 items bearing the name of or referring to the Department of
24 Economic and Community Development may be used by the State
26 Planning Office, the Office of Business Development and the Maine
State Housing Authority until existing supplies of those items
are exhausted.

28 **Sec. D-3. Reassignment of positions.**

30 1. The incumbent Deputy Commissioner of the former
32 Department of Economic and Community Development, Office of
34 Comprehensive Land Use Planning must be transferred to the State
Planning Office as the Deputy Director of the Division of
Comprehensive Land Use Planning at salary range 34.

36 2. The incumbent Deputy Commissioner of the former
38 Department of Economic and Community Development, Office of
40 Business Development must be transferred to the newly created
42 Office of Business Development within the Executive Department as
the director of that office at salary range 34.

44 **STATEMENT OF FACT**

46 Part A of this bill abolishes the Executive Department,
48 Division of Community Services and the Community Services
50 Advisory Board. It reassigns the responsibility for the
52 administration and distribution of block grant funds for food
assistance, fuel assistance and Head Start to the Department of
Human Services. It reassigns energy conservation programs to the
Maine State Housing Authority.

2 Part B of the bill abolishes the Department of Economic and
Community Development. Responsibilities for international
4 commerce, the Community Development Block Grant Program and
comprehensive land use planning are transferred to the State
6 Planning Office. The Division of Energy Conservation and the
Maine Affordable Housing Alliance are reestablished in the Maine
8 State Housing Authority. A new Office of Business Development is
established within the Executive Department. It is responsible
10 for the tourism, small business and community development
functions formerly assigned to the Department of Economic and
Community Development.

12
14 Part C of the bill makes necessary technical changes to
related statutory text to reflect the reorganization of
government as provided in this bill.

16
18 Part D of the bill abolishes 3 administrative, nonclassified
positions in the Division of Community Services and 7
20 administrative positions within the Department of Economic and
Community Development. Part D also provides transition
22 provisions necessary to implement this Act. Classified personnel
and property currently assigned to existing programs remain
24 allocated to their respective programs and are transferred to the
appropriate bureau, authority or office. Presently designated
26 community action agencies retain their designations unless
specifically rescinded through provisions in this bill. State
28 employees transferred to the Maine State Housing Authority are
given the option to remain state employees with full benefits or
become employees of the authority.

30