

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1406

H.P. 1033

House of Representatives, March 20, 2003

### **An Act To Separate the Office of Tourism from the Office of Community Development**

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Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative COWGER of Hallowell.  
Cosponsored by Representatives: HATCH of Skowhegan, RECTOR of Thomaston, Senator:  
SHOREY of Washington.

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

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**Sec. 1. 5 MRSA §13055, sub-§1,** as amended by PL 1995, c. 560, Pt. B, §2, is further amended to read:

**1. Organizations.** The department contains the following organizations:

- A. The Office of Business Development; and
- B. The Office of Tourism and-Community-Development.; and
- F. The Office of Community Development.

**Sec. 2. 5 MRSA §13072, first ¶,** as amended by PL 1995, c. 560, Pt. B, §9, is further amended to read:

The Office of ~~Tourism~~ and Community Development shall assist municipalities in planning for and achieving economic growth and development while, at the same time, preserving and protecting their resources and assets. To achieve this purpose, the department, through the office, shall strive to remove barriers to balanced economic growth and provide planning, technical and financial resources to the municipalities to enhance economic development.

**Sec. 3. 5 MRSA §13072, 2nd ¶,** as amended by PL 1995, c. 560, Pt. B, §10, is further amended to read:

The Director of the Office of ~~Tourism~~--and Community Development shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter. The director has the following powers and duties.

**Sec. 4. 5 MRSA §13073-A, first ¶,** as enacted by PL 1999, c. 731, Pt. VVV, §2, is amended to read:

The Director of the Office of ~~Tourism~~--and Community Development shall administer the Regional Economic Development Assistance Fund, referred to in this section as the "fund."

**Sec. 5. 5 MRSA §13073-A, sub-§1,** as enacted by PL 1999, c. 731, Pt. VVV, §2, is amended to read:

**1. Fund established.** The fund is established as a nonlapsing fund within the Office of ~~Tourism~~--and Community Development.

**Sec. 6. 5 MRSA §13090-C, sub-§1,** as reallocated by RR 1995, c. 2, §11, is amended to read:

2           **1. Tourism; establishment.** The Office of Tourism and  
3 ~~Community-Development~~ shall administer a program to support and  
4 expand the tourism industry and promote the State as a tourist  
5 destination. The Director of the Office of Tourism and ~~Community~~  
6 ~~Development~~ shall administer the office in accordance with the  
7 policies of the commissioner and the provisions of this article.  
8 The office includes the Maine Tourism Commission and the Maine  
9 State Film Commission.

10           **Sec. 7. 5 MRSA §13090-C, sub-§2,** as reallocated by RR 1995, c.  
11 2, §11, is amended by amending the first paragraph to read:

12           **2. Duties.** The Director of the Office of Tourism and  
13 ~~Community-Development~~ shall:

14           **Sec. 8. 5 MRSA §13090-D, sub-§§1 and 2,** as reallocated by RR  
15 1995, c. 2, §11, are amended to read:

16           **1. Historical markers.** The Director of the Office of  
17 Tourism and ~~Community-Development~~ may erect historical markers or  
18 signs on any highway. No more than 10 historical markers may be  
19 erected in one year. Markers that would interfere with  
20 reasonable use of highways may not be erected.

21           **2. Review council.** The Director of the Office of Tourism  
22 and ~~Community-Development~~ shall consult with the Maine Historic  
23 Preservation Commission and the Department of Transportation on  
24 the historical marker program. Before erecting any marker, the  
25 director shall secure the Maine Historic Preservation  
26 Commission's approval of the marker, the marker's location and  
27 the marker's wording. The Maine Historic Preservation Commission  
28 shall obtain, or cause to be obtained, as needed, information on  
29 the event to be commemorated and on the appropriate location for  
30 the marker, including consulting historians and holding public  
31 hearings.

32           **Sec. 9. 5 MRSA §13090-E,** as reallocated by RR 1995, c. 2,  
33 §11, is amended to read:

34           **§13090-E. Tourism marketing and development strategy**

35           **1. Development.** The Office of Tourism and ~~Community~~  
36 ~~Development~~ shall develop a 5-year marketing and development  
37 strategy for state tourism growth that maximizes the  
38 effectiveness of state and private sector contributions in  
39 attracting visitors to the State and increasing tourism-based  
40 revenues. The strategy must incorporate components of direct  
41 marketing in maintenance and primary markets, matching grants  
42 programs, trade markets, regional development and research.

2           **2. Administration.** The Office of Tourism and--Community  
4           Development shall administer the components of the strategy after  
6           development. Administration includes development of new markets,  
8           creation of an image of the State to entice visitor inquiries and  
10           provision of appropriate technical assistance and response  
12           mechanisms. The Office of Tourism and--Community--Development  
14           shall support staffing of the visitor information centers and  
16           fulfill tourism information requests and shall work in  
18           partnership with the tourism industry in the State in  
20           administering the strategy.

22           **Sec. 10. 5 MRSA §13090-F**, as amended by PL 1999, c. 445, §1,  
24           is further amended to read:

26           **§13090-F. Maine Tourism Commission**

28           **1. Maine Tourism Commission.** The Maine Tourism Commission,  
30           established by section 12004-I, subsection 87 and referred to in  
32           this section as the "commission," shall assist and advise the  
34           Office of Tourism and--Community--Development to achieve its  
36           purpose under section 13090-C. The commission consists of 24  
38           voting members appointed by the Governor as follows:

40           A. Three members representing the outdoor sporting  
42           interests of the State, including:

44                   (1) One member representing a statewide organization  
46                   of hunters, anglers and trappers;

48                   (2) One member representing the interests of large  
50                   landowners; and

                  (3) One member representing a statewide organization  
                  of licensed Maine guides;

                  B. Eight public members who represent their respective  
                  regions and have experience in the field or have  
                  demonstrated concern for the travel industry; and

                  C. Thirteen members of major tourism trade associations,  
                  including:

                          (1) At least one member representing a statewide  
                          organization of hotels, motels and inns;

                          (2) At least one member representing a statewide  
                          organization of restaurants;

                          (3) At least one member representing a statewide  
                          organization of campground owners;

- 2 (4) At least one member representing the retail sector  
in the State;
- 4 (5) At least one member representing the motorcoach  
6 industry;
- 8 (6) At least one member representing the air  
transportation industry;
- 10 (7) At least one member representing arts and cultural  
12 organizations; and
- 14 (8) At least one member representing a statewide  
16 organization of children's camps.

18 The terms of the voting members are for 4 years each. The  
Governor shall fill a vacancy in the membership for any unexpired  
20 term. The commissioners, directors or designees of the following  
state departments or offices shall serve as ex officio, nonvoting  
22 members of the commission: the department; the State Planning  
Office; the Department of Conservation; the Department of  
24 Transportation; the Department of Inland Fisheries and Wildlife;  
the Department of Agriculture, Food and Rural Resources; the  
Department of Education; and the Bureau of Public Improvements.  
26 The Canadian Affairs Coordinator shall also serve as an ex  
officio, nonvoting member of the commission. A chair and  
28 vice-chair of the commission must be elected annually from the  
appointed membership.

30

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

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34 A. Recommend rules for the implementation of section  
13090-G and make recommendations on the award of matching  
funds to the commissioner and the Director of the Office of  
36 Tourism and-Community-Development;

38

B. Recommend policy guidelines on marketing, promotion and  
advertising strategies to the Office of Tourism and  
40 Community-Development;

42

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

46

D. Assist the Office of Tourism and-Community-Development  
in providing technical assistance to the travel industry and  
48 in planning and conducting periodic tourism conferences;

50

E. Prepare a report for annual submission to the Governor

2 and the Legislature relative to the programs, policies and  
accomplishments of the commission; and

4 F. Assist the Office of Tourism ~~and-Community-Development~~  
6 in other areas the commissioner considers appropriate and  
necessary to ensure the successful implementation of this  
8 section.

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

12 **Sec. 11. 5 MRSA §13090-G, sub-§1, ¶B,** as reallocated by RR  
14 1995, c. 2, §11, is amended to read:

16 B. To strengthen the State's image by coordinating the  
18 promotional efforts of the private sector with those of the  
Office of Tourism ~~and-Community-Development~~.

20 **Sec. 12. 5 MRSA §13090-G, sub-§4,** as reallocated by RR 1995,  
c. 2, §11, is amended to read:

22 **4. Administration.** The Office of Tourism ~~and-Community~~  
24 ~~Development~~ shall administer the Travel Promotion Matching Fund  
Program with such flexibility as to bring about the most  
26 effective and economical travel promotion program possible.  
Applications from all regions of the State must be equally  
28 considered. The Maine Tourism Commission shall recommend rules  
and procedures necessary and appropriate to the proper operation  
of the Travel Promotion Matching Fund Program. These rules must  
30 establish eligibility requirements, allocation formulas,  
application procedures and criteria subject to the final approval  
32 of the commissioner. The Maine Tourism Commission shall  
establish a schedule for review of grant applications and make  
34 timely recommendations of grant awards to the Office of Tourism  
~~and-Community-Development~~. Grants recommended by the Maine  
36 Tourism Commission to the Office of Tourism ~~and-Community~~  
~~Development~~ must be approved by the Director of the Office of  
38 Tourism ~~and-Community-Development~~ prior to any disbursement of  
funds.

40 **Sec. 13. 5 MRSA §13090-H, sub-§1,** as reallocated by RR 1995,  
42 c. 2, §11, is amended to read:

44 **1. Maine State Film Commission established.** The Maine  
46 State Film Commission, as established by section 12004-I,  
subsection 88, is within the Office of Tourism ~~and-Community~~  
48 ~~Development~~ and shall advise and assist the office as necessary.  
The commission shall advise the commissioner and the Director of  
the Office of Tourism ~~and-Community-Development~~ with respect to  
50 the operation of the Maine State Film Commission program.

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

4  
6 (1) The members appointed must be involved in a  
related business field or have experience or  
8 familiarity with media marketing or public relations.  
The Governor shall ensure an equitable regional  
representation from the State.

10  
12 (2) The Director of the Maine Arts Commission and the  
commissioner shall serve as ex officio, nonvoting  
14 members of the commission.

16 B. The terms of office of commission members are as follows.

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

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

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

34  
36 C. The chair and vice-chair are appointed by the Governor  
annually at the first meeting of the commission and serve  
for one-year terms.

38 (1) The chair shall call meetings of the commission.

40  
42 D. Members are compensated for expenses only in accordance  
with chapter 379.

44 E. Financing of promotional and development materials and  
expenses pursuant to this section must be made with funds  
46 within the limit of the budget of the department for the  
Office of Tourism and-Community-Development.

48  
50 **Sec. 14. 5 MRSA §13090-H, sub-§2, ¶B,** as reallocated by RR  
1995, c. 2, §11 and corrected by §14, is amended to read:



2           B. To advise and assist the Director of the Maine State  
4           Film Office and the Director of the Office of Tourism and  
          ~~Community--Development~~ with respect to this section and  
          section 13090-I;

6           **Sec. 15. 5 MRSA §13090-I**, as reallocated by RR 1995, c. 2,  
8           §11, is amended to read:

10       **§13090-I. Maine State Film Office**

12           The Maine State Film Office is established within the Office  
14           of Tourism and ~~Community--Development~~. The Director of the Maine  
16           State Film Office is responsible for undertaking a program of  
          film promotion and implementing the recommendations and policies  
          of the commissioner.

18           **Sec. 16. 5 MRSA §13090-J**, as enacted by PL 1997, c. 395, Pt.  
20           H, §1, is amended to read:

22       **§13090-J. Tourism Cooperative Marketing Fund**

24           **1. Statement of purpose.** The Tourism Cooperative Marketing  
26           Fund is established to allow the Office of Tourism and ~~Community~~  
          ~~Development~~ to accept private donations to be used in support of  
          special public and private marketing opportunities.

28           **2. Tourism Cooperative Marketing Fund.** The Tourism  
30           Cooperative Marketing Fund, referred to in this section as the  
32           "fund," is established as an interest-bearing account. All  
34           charges collected pursuant to this section must be deposited into  
36           the fund. All interest earned by the account becomes part of the  
          fund. Any balance remaining in the fund at the end of the fiscal  
          year does not lapse but is carried forward into subsequent fiscal  
          years. Revenue to the fund is collected, managed, deposited,  
          invested and disbursed by the Office of Tourism and ~~Community~~  
          ~~Development~~.

38           **3. Revenue sources.** For purposes of funding its  
40           activities, the Office of Tourism and ~~Community--Development~~ is  
42           authorized to accept donations from private sources and shall  
          consult with donors in making distribution determinations.

44           **4. Administrative costs.** The Office of Tourism and  
46           ~~Community--Development~~ may retain a portion of the total donations  
48           collected equivalent to the office's administrative costs  
          incurred in the collection and remission of the donations, not  
          to exceed 2% of the total donations collected.

2           **5. Reporting requirements.** The Office of Tourism and  
3 ~~Community-Development~~ shall submit a report by February 1, 1998  
4 and February 1st of each subsequent year to the joint standing  
5 committees of the Legislature having jurisdiction over economic  
6 development matters and appropriations and financial affairs  
7 identifying the amount collected and how the fund was disbursed  
8 by the office.

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10           **6. Repeal.** This section is repealed on July 1, 2007. The  
11 Office of Tourism and ~~Community-Development~~ shall provide its  
12 recommendations to the Governor and the joint standing committee  
13 of the Legislature having jurisdiction over economic development  
14 matters concerning the need for extending authorization of the  
15 fund.

16           **Sec. 17. 5 MRSA §13092-A**, as enacted by PL 1989, c. 553, §1  
17 and amended by c. 700, Pt. A, §21 and repealed by c. 875, Pt. M,  
18 §§8 and 13, is repealed.

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## SUMMARY

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23           This bill separates the Office of Tourism and Community  
24 Development in the Department of Economic and Community  
Development into 2 separate and distinct offices.