

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Provides funds to be distributed through the various area agencies for aging to those elderly persons needing weatherization assistance whose household income is \$13,400 or less per year. The bureau shall develop a simple form for self-declaration of income. This demonstration program shall reimburse homeowners for 50% of the cost of weatherization materials. No single household may receive more than \$500 in assistance from this program and the area agencies may contract with local groups to provide service.

Bureau of Maine's Elderly

Elder Ride Share Pilot Program

All Other \$ 50,000

Provides funds to develop an Elder Ride Share Pilot Program. This pilot program will provide funds, not to exceed \$30 a month per individual, for gasoline to volunteer elder drivers who provide transportation to other seniors for services such as shopping, church, medical appointments, meal sites and other trips necessary to maintain independence.

DEPARTMENT OF HUMAN SERVICES		
TOTAL	\$ 550,000	_____
TOTAL APPROPRIATIONS	\$6,215,000	\$ 135,000

Sec. 4. Allowance for state administration purposes. An allowance for the use of funds allotted in this Act, not to exceed 5% of the funds allocated to each agency, shall be available to each of the agencies funded under this Act.

Sec. 5. Unexpended balances carried forward. Any unexpended balances of allocations made from this fund on June 30, 1988, shall not lapse, but shall carry through June 30, 1989, to be used for the same purposes. The Governor, through the Office of Energy Resources, shall report annually to the Legislature, beginning on December 1, 1987, as to the progress on the expenditures of funds and to recommendations for the reallocation of funds.

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

Effective June 30, 1987.

CHAPTER 534

H.P. 1324 — L.D. 1808

AN ACT to Create the Department of Economic and Community Development, to Establish Consistency among Economic Development Laws and to Establish a Capital Budgeting and Planning Process.

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

PART A

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

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

- Commissioner of Transportation;
- Commissioner of Conservation;
- ~~Director of State Development Office;~~
- Commissioner of Finance;
- Commissioner of Administration;
- Commissioner of Educational and Cultural Services;
- Commissioner of Environmental Protection;
- Commissioner of Human Services;
- Commissioner of Mental Health and Mental Retardation;
- Commissioner of Public Safety;
- Commissioner of ~~Business Occupational and Professional and Financial~~ Regulation;
- Commissioner of Labor;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Marine Resources; ~~and~~
- Commissioner of Corrections; and
- Commissioner of Economic and Community Development.

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

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

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

- A. Public Utilities Commission;

- B. Office of Energy Resources;
- C. Maine Development Foundation;
- D. Saco River Corridor Commission;
- E. State Soil and Water Conservation Commission; and
- F. Atlantic Sea Run Salmon Commission.

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

§934-A. Department of Economic and Community Development

1. Major policy-influencing positions. The following positions are major policy-influencing positions with the Department of Economic and Community Development. These positions shall be appointed by the Commissioner of Economic and Community Development and shall serve at his pleasure. Notwithstanding any other provision of law, these positions and their successor positions shall be subject to this chapter:

- A. Deputy Commissioner of Administration;
- B. Deputy Commissioner for Business Development;
- C. Deputy Commissioner for Community Development;
- D. Deputy Commissioner for Tourism; and
- E. Associate Commissioner for Development Policy.

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

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$250,000 in any fiscal year, except that in the fiscal year ending June 30, 1987, the amount shall not exceed \$325,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor intensive new or expanding industries. Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor or the ~~Director of the State Development Office~~ Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The ~~director's or~~ commissioner's request to the Governor shall be formulated subsequent to their consultation with each other, the Commissioner of Educational and Cultural Services, the Director of the Maine Vocational-Technical Institute System and the director of the appropriate service delivery area as defined by the Job Training Partnership Act.

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

8. Establish information and data exchange procedure. The board shall establish an information and data exchange procedure to be implemented by December 1, 1987, by which information and data available among several state agencies relating to the work force, employment and unemployment patterns, poverty and low-income patterns, wage rates, economically distressed communities and regions and other similar information shall be made available to the Department of Economic and Community Development and the State Planning Office for the purposes of analysis and evaluation, measurement and monitoring of poverty and economic and social conditions throughout the State and to promote economic and community development with the understanding that the confidentiality of the information shall be maintained.

A. In the event that there are any problems with respect to the successful implementation of this subsection, the board shall report these problems to the joint standing committee of the Legislature having jurisdiction over economic development matters. The board shall cite the agency or agencies which cannot make the information available to fill the needs of the Department of Economic and Community Development and the State Planning Office, any law or rule that prevents or impedes the successful implementation of this subsection and any other reasons for the problems of implementing this subsection.

B. The Department of Economic and Community Development and the State Planning Office shall report to the board and to the joint standing committee of the Legislature having jurisdiction over economic development matters any problems that prevent or impeded the successful implementation of this subsection and the reasons for these problems.

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

1. Comprehensive planning. "Comprehensive planning" includes, but is not limited to:

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

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

C. Coordination of related departmental plans;

D. Intergovernmental coordination of related planning activities;

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

F. Continuing analysis of the economy of the State in conjunction with the Department of Economic and Community Development.

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

A. Coordinate the preparation of goals and policies to guide and carry forward the wise and coordinated development of the ~~state's~~ State's economy and the conservation of the ~~state's~~ State's natural resources. These goals and policies and recommendations for implementation shall be submitted to the Governor and Legislature for their approval. They shall be developed in such areas as: Land use, housing, natural resource development and conservation ~~and commerce and industrial development,~~ public investment and taxation and state regulatory policy.

The State Planning Office shall give the public full opportunity to participate in the formulation of these goals and policies and these goals and policies shall not be in direct conflict with adopted local and regional plans;

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

C. Conduct, in conjunction with the Department of Economic and Community Development, continuing economic analysis of the economy and resources of the State of Maine, including economic forecasting, and collect and collate all pertinent data and statistics relating thereto; participate in establishing a data and statistics center for making such material available in useful form; and assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals.

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

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

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

G. As coordinating agency:

(1) Act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State; and review the proposals of ~~said those~~ agencies in the light of their relationship to the adopted goals and policies and incorporate such reviews in the reports of the office. Nothing; in this section shall

may be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State; and to

(2) Provide general coordination and review of plans in functional areas of State Government as may be necessary for receipt of federal funds; and

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

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an on-going basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of Maine this State with a view toward the broader utilization of our natural resources and the development of new and improved products and techniques, which studies shall be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. Additionally, the office shall prepare evidence and supporting data on types of industries particularly suited to the needs of Maine, including the travel industry. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Division of Community Services to meet the annual reporting needs of the division.

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

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

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

(85)	Tourism	Maine Vacation Travel Tourism Commission	Expenses Only	5 MRSA §7605 §13093
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Sec. 15. 5 MRSA §12004, sub-§10, ¶A, sub-¶(88) is enacted to read:

(88)	Video and Film	Maine State Film Commission	Expenses Only	5 MRSA §13095
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Sec. 16. 5 MRSA c. 361, as amended, is repealed.

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

CHAPTER 383

ECONOMIC AND COMMUNITY DEVELOPMENT

SUBCHAPTER I

GENERAL DEPARTMENT STRUCTURE

AND AUTHORITY

ARTICLE 1

DEPARTMENT OF ECONOMIC AND COMMUNITY

DEVELOPMENT: GENERAL ORGANIZATION

MISSION AND RESPONSIBILITIES

§13051. Legislative findings

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

In order for the State's economy to grow and gain a solid footing, it is necessary to determine the State's assets and the economic opportunities that are or will be available to the State's enterprise, municipalities and labor force. When these opportunities are determined or become apparent, state economic development policies and programs must be focused on facilitating the realization of these opportunities and removing barriers that impede the exploitation of these opportunities.

The Legislature finds that an economic development strategy designed to focus the State's economic development activities and resources on economic opportunities can significantly help the State and its municipalities realize greater growth and prosperity without adversely affecting the quality of life in the State. An economic development strategy must recognize and reflect the different needs, conditions and opportunities of the several different economic regions of the State. This strategy must be flexible and periodically evaluated to make it consistent with changes in conditions and opportunities that arise during these times of dynamic change. It is necessary to involve municipalities, regional economic development organizations and the private sector in the formulation of this strategy in order to establish a well developed and comprehensive plan that has the support of the State's citizens and officials.

§13052. Purpose

The Legislature finds that the decentralization of economic growth and development programs among several state agencies without any coordination of programs and agencies and without coordination with the State's municipal and regional economic efforts is not in the best interest of the State. The Legislature further finds that the State's economic development programs and policies and the economies of municipalities and regions mutually affect each other.

For state economic growth and development policies and programs to realize the greatest possible degree of effectiveness, it is necessary to coordinate these policies and programs on the state level, as well as with local and regional levels. It is necessary to formulate and implement economic development policies and programs that are consistent with an economic development strategy for the State.

§13053. Establishment

The Department of Economic and Community Development is established to encourage economic and community development policies and programs of the State and to coordinate these programs and policies within the context of a state economic development strategy. The department is also established to work with municipalities and regional planning and economic development organizations to build strong local and regional economies and to implement programs and services through these local and regional organizations.

The department shall encourage the creation and retention of quality jobs through increased private sector investment and to enhance the quality of life for all by assisting local governments to plan and implement comprehensive community development strategies.

§13054. Definitions

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

1. Commissioner. "Commissioner" means the Commissioner of Economic and Community Development.
2. Department. "Department" means the Department of Economic and Community Development.
3. State Development Office. "State Development Office" means the Department of Economic and Community Development.

§13055. Organization of department

The department shall consist of the organizations as established in this section to fulfill the purposes and mission as stated in this chapter and in a manner consistent with the State's economic development strategy.

1. Organizations. The department shall contain the

following organizations:

- A. The Office of Business Development;
- B. The Office of Community Development;
- C. The Office of Tourism; and
- D. The Division of Development Policy.

§13056. Duties and responsibilities of department

The department shall have the duties and responsibilities to:

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

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

3. Conduct planning and research. Conduct planning, research and analysis for department needs, but not macroeconomic forecasting which shall be the responsibility of the State Planning Office. The department shall gather, maintain and have access to all economic and other information necessary to the performance of its duties;

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

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

- A. Describe various business development programs within the State that are available to Maine businesses;
- B. Describe the various community and economic development programs of the State; and
- C. Market the State of Maine and its communities as suitable areas for business development; and

6. Implement programs. Implement economic and community development programs which are assigned to the department by the Governor or Legislature, including those formerly administered by the following other state agencies:

- A. The programs of the State Development Office; and
- B. Other community planning and development assistance programs of the State Planning Office; and

7. Contract for services. When contracting for services, the department, to the maximum extent feasible, shall seek to use the State's private sector resources in conducting studies, providing services and preparing publications.

§13057. Commissioner; appointment

The commissioner shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters and legislation and to confirmation by the Legislature. The commissioner shall serve at the pleasure of the Governor.

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

§13058. Duties and responsibilities of commissioner

The department shall be administered by the commissioner. The commissioner shall have the following powers and duties.

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

A. All professional positions which are unclassified positions and members of bargaining units and are transferred to the department from units of State Government other than the State Development Office shall retain their current status, including their rights as members of bargaining units. Classified, clerical and other nonprofessional staff shall be hired pursuant to the Civil Service Law for classified state employees.

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

2. Accept federal funds. The commissioner may accept for the State any federal funds appropriated under any federal law relating to the authorized programs of the department, including community and economic development in those nonentitlement areas and for those projects duly authorized under the United States Housing and Community Development Act of 1974, Title I, and its subsequent amendments. The commissioner may undertake the necessary duties and tasks to implement federal law with respect to the authorized programs of the department.

A. The commissioner may accept for the department any funds from any other agency of government, individual, group, foundation or corporation to carry out this chapter, including fees designated by the commissioner for books, brochures, pamphlets, films, photos, maps and similar materials. A revolving fund is established within the department for the use of the department to cover the printing and distribution costs of these materials. Income from the sale of publications shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving funds.

3. Hold hearings and adopt rules. The commissioner may hold hearings and adopt rules, in accordance with the Maine Administrative Procedures Act, Title 5, chapter 375, with respect to the implementation of authorized programs of the department.

A. The commissioner may adopt rules to distribute funds or assistance under the United States Housing and Community Development Act of 1974, Title 1, and its subsequent amendments. The rules shall be consistent with the annual final statement for the State Community Development Program submitted to the Federal Government. The department 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, Title 5, chapter 375, or before the deadline for comments if no hearing is scheduled.

4. Coordinate programs and services. The commissioner shall coordinate the programs and services of the department. The commissioner shall coordinate the department's programs and services with those programs and services of other state agencies and regional planning and economic development organizations.

5. Review of program; report to Governor and Legislature. The commissioner shall review and evaluate the programs and functions of the department and the operation of the economic delivery system. The commissioner shall report his findings and recommendations with respect to the issues described in this subsection to the Governor and to the Legislature no later than February 1st of each first regular session of the Legislature. The commissioner shall conduct his review and evaluation with respect to the following:

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

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

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

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

department;

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

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

G. The state of small business in this State, including economic data, the effectiveness of state programs to aid small business, problems of small business that may be affected by state policies and such other information on small business as desired by the commissioner.

6. Responsible for oversight. The commissioner shall be responsible for the oversight and implementation of the following:

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

B. Community development programs;

C. A program of tourism promotion and development;

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

E. A foreign trade zone program;

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

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

7. Commissioner to coordinate programs. The commissioner shall coordinate department programs with employment training 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.

8. Dependent care services. The commissioner shall work with political subdivisions of the State, businesses and public and private organizations to make them aware of the significant need of the labor force for dependent care services. The commissioner shall encourage and assist businesses, political subdivisions and other organizations to develop dependent care facilities and services that meet the needs of the working population, particularly low-income people. In implementing this subsection, the commissioner shall, to the greatest extent possible, work with state agencies and other public and private organizations to ensure the development and provision of dependent care facilities and services.

A. The commissioner shall designate a person within

the department to be the person to assist the commissioner with the provisions of this subsection.

9. Designate and certify local and regional organizations. The commissioner may designate and certify competent local and regional economic development organizations to implement state programs and services in whole or in part.

A. The commissioner may assist in forming regional planning commissions and councils of governments and may assist with financing the cost of operation of the regional planning commissions established under Title 30, chapter 204-A, subchapter III, and councils of governments empowered under Title 30, chapter 204-A, subchapter II.

B. The commissioner shall adopt rules with respect to standards and criteria for local and regional agencies to be certified and evaluate local and regional organizations in regard to the implementation of these programs and services.

§13059. State agencies to cooperate

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

SUBCHAPTER II

BUSINESS DEVELOPMENT

§13061. Office established

The commissioner shall establish the Office of Business Development. This office shall encourage the initiation, expansion and location of businesses in Maine which would expand quality employment opportunities for Maine citizens.

The Office of Business Development shall encourage business by removing barriers to growth, facilitating exploration of opportunities and providing assistance necessary to enhance business consistent with the State's economic development strategy.

§13062. Office of Business Development

The Deputy Commissioner for Business Development shall be the Director of the Office of Business Development and shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter, emphasizing a program of targeted business development designed to attract particular types of businesses which have potential for Maine and businesses which are deemed to be compatible with Maine's environment and interests. The office shall actively seek and encourage firms to expand or locate in Maine. The office shall be responsible for the implementation of programs

designed to promote Maine products in national and international markets and to develop markets for industry located in Maine.

The Office of Business Development shall be responsible for the implementation of a program consisting of 3 primary elements.

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

A. The office shall conduct an analysis of the various industrial sectors of the economy. The types of businesses to be targeted for attraction shall be ones which have potential for development in Maine and which will contribute to a healthy business and environmental climate.

B. The office shall report its findings and recommendations to the commissioner. The commissioner, with the advice of the director shall determine the type and extent of the business investment program to be implemented.

C. The director, with the approval of the commissioner, may make grants for market development from appropriations for that purpose to any municipality or group of municipalities which have received a grant of authority from the Federal Government to establish a foreign trade zone.

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

(1) The director, with the approval of the commissioner, on behalf of the State, may make applications to the Foreign Trade Zone Board and establish foreign trade zones that are to be located on state-owned, leased or otherwise controlled property. A municipality or group of municipalities may, with the approval of the department, make applications to the Foreign Trade Zone Board and establish foreign trade zones at other locations. Foreign trade zones shall be established in or adjacent to any ports of entry in the State, where personal property in transit shall be exempt from the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry.

(2) Any development or activity with a foreign trade zone established in the State is subject to the laws which the Department of Environmental Protection, Department of Conservation, Department of Marine Resources and Department of Inland Fisheries and Wildlife are responsible for administering, as well as any other law which protects the environment.

(3) For the purpose of this subsection, "personal property in transit" through the areas established under this paragraph means goods, wares and merchandise either moving in interstate or internation-

al commerce through these zones or consigned to a warehouse, public or private, within these zones, whether specified when transportation begins or afterward. This property shall not be deprived of exemption because, while in the warehouse, the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of this subsection. The warehouse in which these goods, wares or merchandise are stored shall not be owned, in whole or in part, by either the consignee or consignor. This paragraph does not apply to agricultural products.

2. Business assistance. Business assistance services shall be provided consistent with this subsection.

A. 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.

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

(2) 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 Maine businesses.

B. In accordance with section 13063, 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 clearing house of information with respect to business assistance programs and services available in the State.

3. Industry-wide assistance and market development. The director shall be responsible for a program of industry-wide assistance and market development.

A. The director shall work with other state agencies which implement marketing programs and strive to coordinate the marketing activities of the department with those of other agencies whenever possible.

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

ARTICLE II

§13063. Business Assistance Referral and Facilitation Program

The director shall be responsible for the implementation of the Business Assistance Referral and Facilitation Program.

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

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

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

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

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

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

A. Resolve problems encountered by business persons with other state agencies and with certified regional and local economic development organizations;

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

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

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

SUBCHAPTER III

COMMUNITY DEVELOPMENT

ARTICLE 1

GENERAL PROVISIONS

§13071. Findings

The Legislature finds that the strength of the State's economy is based on the strength of the local economies of municipalities and their ability to adjust to the dramatic changes in the national and international economies. The Legislature also recognizes the need for the coordination of state, regional and local efforts and resources to produce solid economic growth and development for the State.

Economic growth and development is not limited exclusively to the generation of new businesses and business expansions. It requires sufficient housing and infrastructure facilities, planning and availability of an educated and well-trained labor force which are necessary to the prosperity of municipalities.

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

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

§13072. Office of Community Development

The Office of 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 growth and provide planning, technical and financial resources to the municipalities.

The Deputy Commissioner for Community Development shall be the Director of the Office of Community Development and shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter. The director shall have the following powers and duties.

1. Establish communication network. The director shall establish a communication network by which information, resources and assistance are transferred between State Government and the municipalities.

A. The director shall work with municipalities and regional community and economic development organizations. The director shall work closely with persons or organizations representing municipalities and with regional community and economic development organizations to address the development needs, problems and opportunities of municipalities and regions.

2. Designate local and regional community and eco-

nomie development organizations. The director shall monitor the activities of designated public and private, local and regional community and economic development organizations. In order to receive financial assistance and resources from the department, an agency must demonstrate the effective administration of programs and services and the effectiveness of these programs.

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

4. Provide information. The director shall provide municipalities with information about the department's programs and services and shall refer municipalities to the offices and programs within the State that can best assist them.

5. Work with state agencies. The director shall work with other state agencies that administer programs and services used by municipalities. The director shall strive to coordinate department programs and services with the programs and services of these agencies.

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

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

A. The Community Development Block Grant Program;

B. A local grants program of coastal zone management; and

C. A regional planning grants program.

8. Provide technical assistance. The director shall oversee delivery of technical assistance and resources to municipalities and regional community and economic development organizations for the purpose of developing local plans and regulations in compliance with state mandates for land use planning and development and encouraging economic growth while maintaining the quality of life.

9. Provide technical assistance and resources for local parks and recreation development. The director shall oversee delivery of technical assistance and resources to municipalities for the purpose of enhancing and expanding parks, open spaces and recreational opportunities as a part of comprehensive community development.

§13073. Community Development Block Grant Program

The director shall implement the Community Develop-

ment Block Grant Program pursuant to the United States Housing and Community Development Act of 1974, Title I, and its subsequent amendments. For purposes of this section, "program" means the Community Development Block Grant Program and "fund" means the Community Development Revolving Loan Fund.

1. Revolving loan fund. The Community Development Block Grant Program shall include the Community Development Revolving Loan Fund which shall be a nonlapsing revolving fund.

2. Repayments to fund. To this fund shall be credited all repayments of grants made to municipalities that elect not to retain those funds under the fund part of the program, including interest, penalties and other fees and charges related to fund grants.

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

4. Legislative allocation of fund required. The Department of Economic and Community Development shall submit to the Legislature, through the budget process as required by chapter 149, its recommendations for disbursement from the fund.

5. Expenditures from fund. Upon approval of the allocation by the Legislature and approval of the allotment by the Governor, the State Controller shall authorize expenditures from the fund as approved by the department for the following purposes:

- A. Administrative expenses related to the fund;
- B. Grants to cities and towns under the fund; and
- C. Grants related to the fund and to other public and private organizations.

§13074. Local grants program

The Director of the Office of Community Development shall administer a local grants program of coastal zone management and a regional planning commission grants program established under Title 30, chapter 204-A, subchapter III, and of councils of governments empowered under Title 30, chapter 204-A, subchapter II.

ARTICLE II

COMMUNITY INDUSTRIAL BUILDING AUTHORITY

§13081. Definitions

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

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

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

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

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

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

6. Local development corporation. "Local development corporation" means any nonprofit organization created by a municipality; incorporated under Title 13, chapter 81; incorporated under Title 13-B or otherwise chartered by the State; and designed to foster, encourage and assist the settlement or resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the State. A majority vote of the municipal officers is sufficient to form a local development corporation, notwithstanding Title 13, chapter 81.

7. Municipality. "Municipality" means any county, city or town in the State.

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

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

§13082. Community Industrial Buildings Fund

1. Creation. The Community Industrial Buildings Fund is created as a nonlapsing revolving fund to be used by the department only for the purposes of this article. There is created within the fund separate accounts for rural and urban areas, called the "rural account" or "urban account", which shall be separately charged and credited, as provided under this section, according to the location of each community industrial building in a rural or urban area.

A. Money in the fund which is not obligated on the effective date of this Act shall be distributed between the 2 accounts, with 2/3 allocated to the rural account and 1/3 allocated to the urban account.

2. Items charged or credited. Operating expenses of the department incurred under this article shall be charged to the fund and all payments required by this article shall be credited to it. All department expenses that arise out of assistance to local development corporations under this article shall be charged solely against the proceeds of the sale or rental of community industrial buildings or all or part of an industrial park assisted under this article.

3. Deposited funds. Money in the fund not currently needed to meet the obligations of the department under this article shall be deposited with the Treasurer of State to the credit of the fund with all interest earned by the deposit credited to the fund.

4. Successor to fund. The department shall be the successor to the State Development Office for the purposes of this article. All properties, rights in land, buildings and equipment and any funds, money, revenues and receipts or assets of the State Development Office as they apply to the Community Industrial Buildings Fund, including funds previously appropriated by the State for the Community Industrial Buildings Fund, shall belong to the department as successor to the State Development Office. All liabilities of the State Development Office with respect to the Community Industrial Buildings Fund shall become liabilities of the department. Any action taken by the State Development Office with respect to assisting a local development corporation to create community industrial buildings shall be an action taken by the Department of Economic and Community Development.

§13083. Assistance to development corporations

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

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

A. The project shall be within the scope of this article, shall be of public use and benefit and shall reasonably be expected to create new employment opportunities.

B. Within the separate rural and urban accounts, preference shall be given to projects in economically deprived areas within labor market districts declared to be in need of economic development assistance by the Department of Labor.

C. Not more than one unoccupied community industrial building project may be financed in a labor market area at any one time.

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

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

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

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

D. The local development corporation shall provide and maintain, with funds other than those provided by the department, an adequate access road from a public highway to the proposed site and provide and maintain water, sewer and power facilities. The local development corporation shall be responsible for plowing out the plant site at all times and for landscaping the building in an attractive fashion until the building is occupied by an industrial tenant.

E. The local development corporation's project plans shall comply with applicable zoning, planning and sanitary regulations in the municipality where it is to be located. No loan may be approved and no certificate of approval for the project or for any subsequent enlargement or addition to the project may be issued until the Department of Environmental Protection has certified to the department that all licenses required from the department have been issued or that none are required.

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

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

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

B. Loans shall be repaid in full, including interest and other charges, within 90 days after the building is occupied.

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

4. Promotion and development. The department shall undertake promotional and publicity activities on behalf of community industrial buildings to properly market them to prospective purchasers or tenants. The

department shall maintain a constant and continual effort to secure suitable tenants or purchasers for these buildings and shall prepare necessary advertising and promotional materials.

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

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

SUBCHAPTER IV

TOURISM

§13091. Findings

Economic and community development in the State is dependent upon the diversity of job opportunities within various sectors of the overall economy. One of the key elements in the health of the State's economy is the tourism and travel industry which is responsible for thousands of jobs and millions of dollars of annual revenues. The maintenance and expansion of tourism as a major component in the State's economic development depends upon the active program of local development coupled with promotion by the State.

§13092. Office of Tourism

The Office of Tourism is established to carry out the purposes of this subchapter. The Deputy Commissioner for Tourism shall be the Director of the Office of Tourism and shall be directly responsible to the commissioner.

The Office of Tourism shall include the Maine Tourism Commission and the Maine State Film Commission.

The office shall:

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

2. Booklets, brochures, pamphlets. 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;

3. Travel product facilities and activities. Encourage the development of travel product facilities and activities by locating potential developers, providing market and feasibility analysis, assisting developers in complying with public rules and laws and providing technical assistance to local decision making, including site selection, financing and utilities;

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

5. Support; matching grants. Provide basic support and discretionary matching grants to local, regional and statewide nonprofit agencies which directly affect the achievement of the duties and responsibilities of the office;

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

7. Technical or professional consultants. Employ or engage such outside technical or professional consultants or organizations as may be necessary or appropriate to assist the office in carrying out its functions;

8. Fees; funding. Accept such fees as the director may designate for the preparation and distribution of books, booklets, brochures, pamphlets, films, photos, maps, exhibits, mailing lists and all like materials and media advertising. There is established within the office a revolving fund for the use of the office to help offset the preparation and distribution costs of these materials. The office shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications and other materials that were charged to the revolving fund shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving fund;

9. Rules. Subject to the approval of the commissioner, adopt, amend and repeal rules to carry out the purposes of this section; and

10. Other activities. Undertake such other activities as the commissioner considers appropriate and necessary to ensure the successful implementation of this section.

§13093. Maine Tourism Commission

1. Maine Tourism Commission. The Maine Tourism Commission, established by Title 5, section 12004, shall assist, advise and recommend the operation of the Office of Tourism. It shall consist of 9 members of major tourism trade associations and 8 public members who shall represent their respective regions and who are experienced in the field or who have demonstrated a concern for the travel industry. The terms of the members

shall be for 4 years each; except that, for the members first appointed, 4 members shall be 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 shall be appointed by the Governor, who shall fill any vacancy in the membership for the unexpired term. The commissioner, director or his designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: Department of Economic and Community Development; State Planning Office; Department of Conservation; Department of Transportation; Department of Inland Fisheries and Wildlife; Department of Agriculture, Food and Rural Resources; Department of Educational and Cultural Services; Bureau of Public Improvements; and Canadian Affairs Coordinator. A chairman and vice-chairman shall be elected annually from the appointed membership.

2. Powers and duties. The commission shall:

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

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

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

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

E. Prepare a report for annual submission to the Governor and the Legislature relative to the programs, policies and accomplishments of the Maine Tourism Commission; and

F. Assist the Office of Tourism in such other areas as the commissioner considers appropriate and necessary to ensure the successful implementation of this section.

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

§13094. Travel Promotion Matching Fund Program

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

A. To allow the State to provide part of the funds necessary for public and private, nonprofit travel promotional organizations to conduct promotional programs; and

B. To strengthen the State's image by coordinating the promotional efforts of the private sector and the Office of Tourism.

2. Eligible organization. Matching funds shall be made available to those nonprofit travel promotional organizations which best meet the purposes of this section. No such organization may disburse state matching funds to a private, for-profit business for the purpose of promoting its goods, services, functions or activities.

3. Limitations. It is not the intent of this section to reduce any organizations' financial participation in any ongoing project, but rather to increase or develop new programs. The grant program shall be geared to specific promotional efforts and costs and is not intended to match any administrative costs, including any form of personal services.

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

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

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

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

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

§13095. Maine State Film Commission

1. Maine State Film Commission established. The Maine State Film Commission, as established by section 12004, shall be within the Office of Tourism and shall ad-

visé and assist the office as necessary. The commission shall advise the commissioner and the director with respect to the operation of the Maine State Film Commission program.

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

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

(2) The Executive Director of the Maine Arts Commission and the commissioner of the department shall serve as ex officio nonvoting members of the board.

B. The terms of office shall be as follows.

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

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

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

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

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

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

E. Financing of promotional and development materials and expenses pursuant to this section and section 13096, shall be made with funds within the limit of the budget of the department for the Office of Tourism.

§13096. Powers and duties

The commission shall have the following powers and duties:

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

2. Advise and assist the directors. Advise and assist the Director of the Maine State Film Commission and the Director of the Office of Tourism with respect to this section and sections 13097 and 13098;

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

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

§13097. Director of the Maine State Film Commission

The commissioner shall appoint a full-time director who shall serve at the pleasure of the commissioner. The director shall be responsible for undertaking a program of film promotion and implementing the recommendations and policies of the commissioner.

SUBCHAPTER V

DEVELOPMENT POLICY

§13101. Division of Development Policy; established

1. Created. The commissioner may create a Division of Development Policy within the department.

2. Economic and community development. The division shall ensure that economic and community development will be grounded in thorough, accurate and timely economic information coupled with careful analysis in order to make the maximum use of the limited resources available for development activities.

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

4. Informed program and policy choices. The division shall use all available information to make informed program and policy choices, as well as to provide the best possible information to businesses considering investment decisions in this State. In addition, by the constant evaluation of program initiatives on the state, regional and local levels, the division shall enhance the delivery of services and the use of limited resources.

5. Ability to develop demonstration program initiatives. The division shall maintain the ability to develop demonstration program initiatives in response to a careful analysis of these changing economic conditions which is a necessary element to complement evaluation and research activities.

§13102. Division of Development Policy; duties

The Division of Development Policy shall provide the necessary support to the department in the areas of information collection, data compilation and analysis for community and economic development. The Associate Commissioner for Development Policy shall serve as the Director of the Division of Development Policy and shall administer the division in accordance with the policies of the commissioner and provisions of this subchapter. The Division of Development Policy shall:

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

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

3. Conduct evaluations. Conduct periodic evaluations of the department's community and economic development programs to ascertain their effectiveness in meeting the articulated goals of those programs;

4. Develop programs. Develop demonstration programs and program concepts in response to economic conditions and the evaluation of existing program activities; and

5. Cooperate with State Planning Office. Provide information and cooperate with the State Planning Office in its macroeconomic forecasting activities which shall remain the responsibility of the State Planning Office.

Sec. 18. Transition. The provisions of this section shall govern the transition.

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

2. Transfer of employee benefits. Any employees of any unit of State Government, including department, office, bureau, division, section, program or any portion thereof, who may be transferred to the Department of Economic and Community Development shall be transferred with their accrued rights and benefits. The accrued fringe benefits, including vacation and sick leave, health and life insurance, and retirement of those personnel shall remain with those personnel.

3. Rules and procedures. All rules and procedures currently in effect and in operation pertaining to any unit

or program and which are in compliance with this Act shall remain in effect until rescinded or amended as provided by state law.

4. Contracts and agreements. All contracts and agreements currently in effect with respect to any unit or program of State Government affected by this Act shall remain in effect until rescinded, terminated or modified as provided by state law.

5. Equipment and property transferred. All equipment and property of the State used by employees and officials of any unit of State Government affected by this Act shall remain with that unit upon transfer to another department.

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

7. Community Development Block Grant Program. Following the transfer of the Community Development Block Grant Program from the State Planning Office to the Department of Economic and Community Development, the design of the Community Development Block Grant Program shall involve the participation of local officials, the Legislature, regional councils and housing, economic development, low income and community interests.

8. Financial Order required. The Director of the State Planning Office, the Director of the State Development Office and the Commissioner of Conservation shall jointly request, by Financial Order through the State Budget Office, the Governor's approval of the funds, positions, equipment and property to be transferred.

Sec. 19. Effective date. This Part shall take effect on October 1, 1987.

PART B

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

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

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

§972. Potato Marketing Improvement Committee

The commissioner shall appoint an advisory committee, as authorized by Title 5, section 12004, subsection 9, of 8 members to be known as the Potato Marketing Improvement Committee. The Potato Marketing Improvement Committee shall advise the commissioner on the development and implementation of improved potato marketing systems, including the modernization, construction and operation of storage and central packing facilities. The Potato Marketing Improvement Committee shall also advise the commissioner concerning the funding and expenditures of the Potato Marketing Improvement Fund created pursuant to section 973. The Potato Marketing Improvement Committee shall include one member representing the University of Maine System, one member representing the Maine Potato Council, one member representing the Maine Potato Commission, one member representing the Maine Potato Sales Association, one member representing the Farmers Home Administration, one member representing the Farm Credit Service, one member representing the State Development Office Department of Economic and Community Development and one member representing the public. Where the commissioner finds it appropriate, the members representing the Farmers Home Administration and the Farm Credit Service may serve as a loan review committee and advise him, on a confidential basis, on applications for funding.

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

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

§917-A. Purpose

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

1. Public, private partnerships. The Maine Development Foundation shall strive to:

A. Bridge the gap in knowledge and communications between the public and private sectors;

B. Build the leadership capacity of public and private sector persons and the institutional capacity of agencies to accomplish economic development; and

C. Expand the traditional business and government partnership to include other significant sectors of the economy.

2. Economic analysis. The Maine Development Foundation may:

A. Develop and propose new ideas and recommend changes to State Government and others for the growth and development of the State's economy, in-

cluding development strategies and economic development programs to best meet the economic needs, problems and conditions of the State;

B. Analyze opportunities to improve the marketing of Maine products and the development of new markets, especially foreign; and

C. Analyze opportunities to promote business investment in the State.

3. Economic education. The Maine Development Foundation may provide Legislators, officials of State Government, business people, municipal officials, development professionals and others with an educational program on the Maine economy, including training, information and experiential learning on the Maine economy, business investment, government operations and the relationship between public policy decisions and business investment, with the goal of strengthening public and private partnership to accomplish economic development.

4. Economic opportunities. The Maine Development Foundation may:

A. Identify and develop specific economic opportunities in the State; and

B. Design, coordinate and implement, when necessary, development projects of a statewide or broad regional significance.

5. Good climate for economic development. The Maine Development Foundation shall strive to promote an improved climate for economic development in the State through judicious use of the public and private nature of the foundation to provide objective analysis and develop broad consensus on issues of significance to the economic health of the State, provided that the promotion does not require the foundation to register as a lobbyist employer pursuant to Title 3, chapter 15, and further provided that the foundation does not advocate to the general public a position on a question as defined in Title 21-A, section 1, subsection 35.

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

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

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

3. Programs and policies. In implementing its powers, duties, responsibilities and programs, the Finance Authority of Maine shall consider the state economic de-

velopment strategy and the policies and activities of the Department of Economic and Community Development.

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

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

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

7. Maintain a liaison with other state agencies. Maintain a close liaison with the State Development Office Department of Economic and Community Development; Department of Agriculture, Food and Rural Resources; Department of Conservation; Department of Marine Resources; and Maine Natural Resource Capital Corporation and provide assistance to facilitate the planning and financing of eligible projects;

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

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

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

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

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

E. The economic development programs overseen by the State Development Office Department of Economic and Community Development, or its successor, and

other economic development programs and agencies throughout the State;

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

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

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

A. Upon the abandonment of service along all or a portion of a railroad line, the department shall be given the first option to lease or purchase, upon just and reasonable terms, the railroad's rights-of-way along the abandoned portion of the line. In the event that a lease is negotiated for the rights-of-way, the department shall consult with municipal officials and officers in the municipalities affected by the abandonment of service along the line to determine the need for preserving the rights-of-way along the abandoned portion of the line for rail transportation. If the department finds that the welfare of the State would be significantly and adversely affected by the loss of the line for railroad transportation purposes, the department shall seek to negotiate the purchase of the abandoned portion of the line. In making this determination, the department shall consider, among other criteria deemed significant by the department, future economic development activities and opportunities in the area served by the abandoned railroad service. In addition, the department shall consult with the State Development Office Department of Economic and Community Development and the State Planning Office in making the determination required in this section.

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

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

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

§3. Records confidential

All information and reports recorded by the director or his authorized agents under this Title shall be confi-

dential, and no names of individuals, firms or corporations shall be used in any reports of the director nor made available for public inspection. Records pertaining to the work force, employment patterns, wage rates, poverty and low-income patterns, economically distressed communities and regions and other similar information and data shall be made available to the Department of Economic and Community Development and to the State Planning Office for the purposes of analysis and evaluation, measuring and monitoring poverty and economic and social conditions throughout the State and to promote economic development with the understanding that the confidentiality of the information will be maintained.

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

§1451. Purpose

A Comprehensive Career, Occupational and Economic Data-based System is established to provide comprehensive career and occupational information required for the coordination and efficient delivery of all employment and training programs in the State and to support the state's economic development initiatives.

The Comprehensive Career, Occupational and Economic Data-based System shall consist of ~~3~~ 2 components: A planning component for employment and training program planners and administrators; and a career information delivery system component for persons involved in the career decision-making process; ~~and an economic data-based component to support the economic development initiatives of the State.~~

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

§1452. Maine Occupational Information Coordinating Committee

The Maine Occupational Information Coordinating Committee, as established by Title 5, chapter 379, shall support the development, maintenance and operation of the Comprehensive Career, Occupational and Economic Data-based System and foster communication and coordination of education, employment and training programs through the use of the system. The committee shall consist of the Commissioner of Labor, Commissioner of Human Services, Commissioner of Educational and Cultural Services, Commissioner of Economic and Community Development, Director of the State Planning Office and the chairman of the Maine Job Training Council, the State Board of Education and the Board of Trustees of the Maine Vocational-Technical Institute System. The Commissioner of Labor and the Commissioner of Educational and Cultural Services may serve as the representatives of the chairmen of the Maine Job Training Council and the State Board of Education, respectively, upon the agreement of that designation by the Maine

Job Training Council and the State Board of Education. The Commissioner of Labor shall be the chairman of the committee, with the Department of Labor serving as the fiscal agent for the committee.

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

2. Facilitate use of occupational and economic information. Facilitate the use of occupational and economic information in planning and allocating employment, training, vocational education; and vocational rehabilitation programs and economic development activities;

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

4. Provide information. Provide the Governor with the comprehensive occupational and economic information required to improve the coordination of employment, training, vocational education and vocational rehabilitation programs to meet commonly defined needs; ~~achieve economic development goals and support business development initiatives;~~ and

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

2. Revisions. The Governor may, after consultation with the ~~State Planning Office~~ Department of Economic and Community Development, regional planning commissions and the officers of the municipalities and counties involved, revise the district boundaries to reflect changing conditions or otherwise to fulfill the purposes of this chapter.

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

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

(1) When it is determined by the ~~State Planning Office~~ Department of Economic and Community Development that a project clearly concerns the jurisdictional area of only one regional planning commission, that commission shall be the authorized review agency;

(2) When a project clearly concerns the jurisdictional area of 2 or more commissions as determined by the ~~State Planning Office~~ Department of Economic and Community Development, joint receipt and review and comment shall be required.

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

C. The designation of captured assessed value of property within a tax increment financing district shall be subject to the following limitations:

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

(2) The Director of the State Development Office Commissioner of Economic and Community Development shall promulgate any rules necessary to allocate or apportion the designation of captured assessed value of property within tax increment financing districts in accordance with these limitations; and

(3) Fifteen percent of the project costs for the development program must be incurred within 9 months of the designation by the Director of the State Development Office Commissioner of Economic and Community Development of the tax increment financing district. The development program must be completed within 5 years of the designation by the Director of the State Development Office Commissioner of Economic and Community Development of the tax increment financing district.

Sec. 22. 30 MRSA §4863, sub-§1, ¶D, as amended by PL 1985, c. 163, §4, is further amended to read:

D. Before final designation of a tax increment financing district, the Director of the State Development Office Commissioner of Economic and Community Development shall review the proposal to ensure that it is in compliance with statutory requirements and shall identify tax shifts within the county where the district will exist. A designation under this subsection shall be effective upon approval by the governing body of the municipality and, for tax increment financing districts, the Director of the State Development Office Commissioner of Economic and Community Development. If the municipality has a charter, the designation shall be done in accordance with the provisions of the charter.

Sec. 23. Effective date. This Part shall take effect on October 1, 1987.

PART C

Sec. 1. Study; formal capital budgeting and planning process. The Commissioner of Finance, the Commissioner of Economic and Community Development and the Director of the State Planning Office shall conduct a study to determine the need for and the most effective method of implementing a formal capital budgeting and planning process. The commissioners and the director shall report to the Joint Standing Committee on Appropriations and Financial Affairs on or before February 1, 1988, with accompanying legislation.

Sec. 2. Study; collect and analyze social and economic data related to poverty in the State. The Commissioner of Economic and Community Development shall conduct a study to find the most cost-effective method of implementing a program to collect and analyze social and economic data related to poverty in the State. The commissioners and the director shall report to the Joint Standing Committee on Appropriations and Financial Affairs on or before February 1, 1988, with accompanying legislation.

Sec. 3. Transfers. The State Development Office shall provide the foundation upon which the Department of Economic and Community Development will expand by resources transferred from the following:

	<u>1987-88</u>	<u>1988-89</u>
<u>EXECUTIVE DEPARTMENT</u>		
State Planning Office		
General Fund	\$ 328,898	\$ 501,331
Federal Expenditure Fund	\$ 936,444	\$ 1,000,919
Other Special Revenue Funds	\$ 7,600,000	\$ 7,600,000
Federal Block Grant	\$12,166,929	\$12,259,000

CONSERVATION, DEPARTMENT OF

Bureau of Parks and Recreation		
General Fund	\$ 66,367	\$ 96,518

In addition to the resources transferred, future additional appropriation requests may result due to a lack of specific funding for the upgrade of certain positions to more accurately reflect their expanded responsibilities.

Effective September 29, 1987, unless otherwise indicated.

CHAPTER 535

H.P. 1380 — L.D. 1882

AN ACT Relating to Aggravated Trafficking or Furnishing Scheduled Drugs under the Maine Criminal Code.

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

Sec. 1. 17-A MRSA §1103, sub-§3, as amended by PL 1987, c. 164, §1, is further amended to read:

3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses more than 2 pounds of marijuana ~~or one ounce,~~ 28 grams or more of cocaine ~~or 28 grams or more of heroin.~~

Sec. 2. 17-A MRSA §1103, sub-§4, as enacted by PL 1987, c. 164, §2, is amended to read: