

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

3. Former executive employee. Former executive employees shall be subject to the provisions in this subsection with respect to proceedings in which the State is a party or has a direct and substantial interest.

A. No former executive employee may knowingly act as an agent or attorney for, or appear personally before, a state or quasi-state agency for anyone other than the State for a one-year period following termination of the employee's employment with the agency or quasi-state agency in connection with a proceeding in which the specific issue was pending before the executive employee's agency and was directly within the responsibilities of the employee during a period terminating at least 12 months prior to the termination of that employee's employment.

B. No former executive employee may knowingly act as an agent or attorney for, or appear personally before, a state or quasi-state agency for anyone other than the State at any time following termination of the employee's employment with the agency or quasi-state agency in connection with a proceeding in which the specific issue was pending before the executive employee's agency and was directly within the responsibilities of the executive employee during the 12-month period immediately preceding the termination of the employee's employment.

Sec. 3. 5 MRSA §18, sub-§§6 and 7 are enacted to read:

6. Application of more stringent statutory provisions. If other statutory conflict of interest provisions pertaining to any state agency, quasi-state agency or state board are more stringent than the provisions in this section, the more stringent provisions shall apply.

7. Avoidance of appearance of conflict of interest. Every executive employee shall endeavor to avoid the appearance of a conflict of interest by disclosure or by abstention.

Sec. 4. 5 MRSA §19, sub-§1, ¶A, as enacted by PL 1979, c. 734, §2, is amended to read:

A. "Appointed executive employee" means a compensated member of the classified or unclassified service employed by the Executive Branch, who is appointed by the Governor and confirmed by the Legislature, or who serves in a major policy-influencing position, except assistant attorneys general, as set forth in chapter 71.

Sec. 5. 30 MRSA §2251, sub-§§5 and 6 are enacted to read:

5. Former municipal and county officials. Former municipal and county officials shall be subject to the provisions of this subsection.

A. No former municipal or county official may know-

ingly act as an agent or attorney for, or participate in a proceeding before, a municipal or county government body for anyone other than the municipality or county for a one-year period following termination of the municipal or county official's employment or term of office with that government body in connection with a proceeding in which the specific issue was pending before the municipal or county official and was directly within the responsibilities of the municipal or county official during a period terminating at least 12 months prior to the termination of that official's employment or term of office.

B. No former municipal or county official may knowingly act as an agent or attorney for, or participate in a proceeding before, a municipal or county government body for anyone other than the municipality or county at any time following termination of the official's employment or term of office with that government body in connection with a proceeding in which the specific issue was pending before the municipal or county official and was directly within the responsibilities of the municipal or county official during the 12-month period immediately preceding the termination of the municipal or county official's employment or term of office.

C. This subsection may not be construed to prohibit former municipal or county officials from doing personal business with the municipality or county. This subsection shall not limit the application of any provisions of Title 17-A, chapter 25.

For the purpose of this subsection, a municipal or county government body shall include an agency, board, commission authority, committee, legislative body, department or other governmental entity of a municipality or county.

6. Avoidance of appearance of conflict of interest. Every municipal and county official shall endeavor to avoid the appearance of a conflict of interest by disclosure or by abstention.

Effective August 4, 1988.

CHAPTER 785

H.P. 1693 — L.D. 2322

AN ACT to Preserve Existing Rental Units which have been Constructed with Federal Assistance and Tax Benefits for Moderate-Income and Low-Income People.

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

Sec. 1. 9-B MRSA §434, sub-§7 is enacted to read:

7. Federally subsidized low-income rental housing.

A financial institution shall not provide any loan to any person, firm, corporation or organization for the purchase of property which contains low-income rental housing which was constructed with federal assistance, except as provided in Title 30, chapter 239, article 9.

A. For the purpose of this subsection, "low-income rental housing" means residential housing projects in which a majority of the units are subject to federal income eligibility restrictions and the rents within the projects are controlled by a federal agency pursuant to a regulatory or rental assistance agreement.

Sec. 2. 30 MRSA c. 239, sub-c. II, art. 9 is enacted to read:

ARTICLE 9

PRESERVATION OF MODERATE-INCOME AND LOW-INCOME HOUSING CONSTRUCTED WITH FEDERAL ASSISTANCE

§4793. Purpose

The State is experiencing severe shortages of affordable housing in various parts of the State. The affordable housing shortage is contributing to an ever-increasing class of working poor people and creating severe hardships for a significant number of Maine citizens.

The housing shortage problem may soon be intensified by the conversion of moderate-income and low-income rental housing units into housing for higher-income persons and families. Many moderate-income and low-income rental housing units were constructed with federal assistance nearly 20 years ago with an agreement that the mortgagee may pay the mortgage after 20 years and not be subject to any of the restrictions in the initial agreement. As the mortgagees pay the mortgages, it is essential for the State to preserve as much of this housing as possible at affordable costs for the citizens of the State.

§4793-A. Definition

For the purpose of this article, "low-income rental housing" means residential housing projects in which a majority of the units are subject to federal income eligibility restrictions and the rents within the projects are controlled by a federal agency pursuant to a regulatory or rental assistance agreement.

§4794. Notification of intent to sell

Any person, firm or organization which has a controlling interest in any low-income housing shall not sell, transfer title or take other action in regard to the property which would result in the termination of financial assistance designed to make a rental unit affordable to low-income or moderate-income people, without providing notice, as outlined in subsection 1, to the Maine State Housing Authority and the municipal housing

authority, if any, in the region in which the property is located, as provided in this section.

1. Notice. The notice shall be made to the Maine State Housing Authority and the local housing authority serving the area, if any, when the owner enters into a contract for the sale or transfer or takes other action in regard to the property. This notice shall include a copy of any contract of sale.

2. Right of first refusal. The Maine State Housing Authority has the right of first refusal to purchase the property. The authority shall hold the right of first refusal for a period of not more than 30 days from the receipt of the notice required in this article. Failure to respond to the notice of first refusal in 30 days shall constitute waiver of that right of first refusal by the authority. By stating in writing its intention to pursue its right of first refusal during the 30-day period, the authority shall have an additional 60 days, commencing upon the date of the termination of the first refusal period, to buy or to produce a buyer for the property. This additional 60-day period may be extended by mutual agreement between the authority and the owner of the property.

A. Nothing in this section may preclude an owner of the property from withdrawing the property from the market and revoking the notice as provided by subsection 1 at any time before the expiration of the 90-day period or until the authority provides its notice of taking by eminent domain. The withdrawal or revocation shall extinguish any right of first refusal held by the Maine State Housing Authority.

3. Exceptions. The Maine State Housing Authority shall not possess any right of first refusal when a bona fide buyer, by contract with the seller, agrees to maintain the property as low-income housing. The notice provisions of this article shall apply to this subsection.

§4795. Purchase property; construct housing

The Maine State Housing Authority or any municipal housing authority may purchase or acquire property to preserve or provide affordable housing to moderate-income and low-income people and provide for the management and maintenance of this property.

1. Construction. The Maine State Housing Authority or any municipal housing authority may construct or reconstruct housing for moderate-income and low-income households.

2. Rehabilitation. The Maine State Housing Authority or any municipal housing authority may rehabilitate buildings as a means of providing affordable housing to moderate-income and low-income households.

§4796. Provide financing

The Maine State Housing Authority or any municipal housing authority may provide low interest or no interest

financing to any person, firm or organization that agrees to construct, reconstruct, rehabilitate or purchase property to provide housing for moderate-income and low-income households.

§4796-A. Conversion of property

Any owner of low-income rental housing who prepays the mortgage and any person who purchases low-income housing as defined in this article and who intends to convert the facility from low-income housing to any other use including other residential uses shall allow the current tenants to remain in the units for 6 months from the date of prepayment or transfer of title, at the rents charged to the tenants prior to mortgage prepayment or transfer of title or at the rents provided under the assistance program to which the housing is subject if such assistance is not terminated, or the owner may relocate the tenants to comparable units with comparable rents in accordance with the procedure established by rules of the Maine State Housing Authority.

A. The Maine State Housing Authority, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, shall adopt rules with respect to relocation standards to be applied pursuant to this section. These standards shall include, but not be limited to, assistance with moving expenses and rental assistance payments necessary to maintain comparable rents for the displaced tenants.

§4797. Rules

The Maine State Housing Authority may adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this article.

§4798. Penalty

Any person, firm or organization that fails to give notice as provided in this article shall be deemed to have committed a civil violation for which a penalty of not less than \$2,500 may be adjudged.

Sec. 3. Sunset. The provisions of this article shall terminate on August 1, 1989.

Effective August 4, 1988.

CHAPTER 786

H.P. 1710 — L.D. 2347

AN ACT Concerning the Statutory Organization of Boards and Commissions.

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

Sec. 1. 3 MRSA c. 13, as amended, is repealed.

Sec. 2. 5 MRSA c. 379, first 3 lines, as enacted by PL 1983, c. 812, §39, are repealed and the following enacted in their place:

CHAPTER 379

BOARDS, COMMISSIONS, COMMITTEES

AND SIMILAR ORGANIZATIONS

SUBCHAPTER I

COMPENSATION

Sec. 3. 5 MRSA §12003-A, sub-§10 is enacted to read:

10. Advisory boards. Members of any board which serves exclusively as an advisory board, particularly those boards described in section 12004-I, shall be deemed not to be officers of the State within the meaning of the Constitution of Maine and shall not be required to be commissioned or certified by the Secretary of State as provided in section 84.

Sec. 4. 5 MRSA §12004, as amended, is repealed and the following enacted in its place:

§12004. Classifications and definitions of boards

Boards established or authorized by this chapter shall be classified according to the similarities of the powers and duties of the several boards. Members of boards shall be eligible for the rate of compensation specified for each board, except when compensation is not authorized. A reference to the statutory description of each board shall also be provided. For the purposes of sections 12004-G to 12004-J, the term "field" does not designate the state agency or department with which a board is associated or affiliated, but only refers to the generic subject matter before the board.

The definitions of responsibilities and authority of each classification of boards may not necessarily apply in total to each board within each classification. Each board may possess some but not all of the responsibilities and authority as defined for the classification in which the board is included. The primary function of each board complies with the primary responsibilities and authority of the classification in which the board is included.

Sec. 5. 5 MRSA §§12004-A to 12004-L are enacted to read:

§12004-A. Occupational and professional licensing boards

The primary responsibilities of occupational and professional licensing boards include the examination of applicants, issuance of licenses or certificates, registration of licenses and rules of licensees with respect to the practice of a particular occupation or profession. The