

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

C. Engaging in the art of taxidermy or taxidermy training under a false name or alias with fraudulent intent;

D. Incompetence, negligence or neglect in the conduct of the practice of the act of taxidermy or taxidermy training, including, but not limited to, entering into a contractual agreement with a customer to provide services and then failing, without just cause, to provide the services as agreed;

E. Failure to meet the qualifications for a license or permit, including, but not limited to, failing to pass a reexamination pursuant to section 7356, subsection 6; or

F. For any violation of sections 7354 to 7356 and this section or any rules adopted pursuant to section 7354, subsection 5.

2. Reissue of license or permit. The commissioner may reissue a license or permit to any former licensee or permittee whose license or permit has been revoked.

3. Hearings. Hearings may be conducted by the commissioner to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license or permit, or as otherwise necessary to implement the provisions of sections 7354 to 7356 and this section. The commissioner shall hold an adjudicatory hearing at the written request of any person who is denied a license or permit without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the commissioner within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the right to request a hearing. Hearings must be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The commissioner may subpoena witnesses, records and documents in any hearing the commissioner conducts.

4. Terms of revocation of license or permit. A person whose license or permit has been revoked under this subsection may not apply for a new license for a minimum of 3 years.

Sec. C-5. Transition. All licenses and permits issued pursuant to the Maine Revised Statutes, Title 12, chapter 707, subchapter X, former section 7351, remain in effect until they expire pursuant to the terms under which they were issued.

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

Effective April 24, 1990.

CHAPTER 914

H.P. 1564 - L.D. 2170

An Act to Continue the Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, increasing investment opportunities are available to the State beyond its borders; and

Whereas, those investment opportunities may represent substantial economic opportunities for Maine businesses; and

Whereas, the State should take full advantage of those opportunities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §12004-I, sub-§6-B is enacted to read:

<u>6-B. Economic</u>	<u>Commission</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Development</u>	<u>on Invest-</u>	<u>Only</u>	<u>§13064</u>
	<u>ment Capi-</u>		
	<u>tal</u>		

Sec. 2. 5 MRSA c. 383, sub-c. II, art. 3 is enacted to read:

Article 3

COMMISSION ON INVESTMENT CAPITAL

§13064. Commission on Investment Capital

The Commission on Investment Capital is established and is composed of 17 members. The membership includes the Commissioner of Economic and Community Development, the Director of the Maine State Housing Authority, the Chief Executive Officer of the Finance Authority of Maine, the Executive Director of the Maine State Retirement System, the Director of the Maine Municipal Bond Bank, 2 Senators, 3 members of the House of Representatives, 6 members of the public appointed by the Governor and one member of the public appointed jointly by the President of the Senate and the Speaker of the House of Representatives.

1. Appointment. The President of the Senate and the Speaker of the House of Representatives shall appoint the 2 Senators, the 3 members of the House of Representatives and one member of the public. The Governor shall appoint 6 members of the public who are able to provide expertise in the area of capital investment.

2. Terms of office. Members appointed by the President of the Senate and the Speaker of the House of Representatives serve at the pleasure of these appointing authorities. The appointees of the Governor serve at the pleasure of the Governor.

3. Cochairs. There are 2 cochairs of the commission. The public member appointed by the President of the Senate and the Speaker of the House of Representatives is a cochair. The Commissioner of Economic and Community Development is a cochair of the commission.

4. Compensation. Members of the commission are entitled to compensation in accordance with chapter 379.

5. Meetings. The commission shall meet at least 4 times each year at the call of the cochairs.

6. Quorum. A quorum consists of 7 members. A quorum is necessary for the commission to conduct its business at any commission meeting.

§13065. Duties and responsibilities of the commission

The commission shall undertake a comprehensive evaluation of the capital investment needs of the State, including an analysis of the sources and magnitude of current capital investments in all sectors of the State's economy, an analysis of the obstacles to capital investments in the State, the identification of sources of funds in the State that may be used to leverage new capital investments and a review of the impact and opportunities resulting from foreign investment in the State.

The commission shall report its activities and findings to the Governor and the joint standing committee of the Legislature having jurisdiction over housing and economic development matters no later than July 1st following each first regular session of the Legislature. The commission may initiate reports to the joint standing committee of the Legislature having jurisdiction over housing and economic development matters at any time during its deliberations.

§13066. Agency cooperation

All agencies of State Government shall cooperate with the commission during its deliberations by responding to requests for information and technical support in a timely manner.

§13067. Sunset

Authorization for the commission expires on July 1, 1993. In its final report, the commission shall provide its

recommendations to the Governor and the Legislature concerning the need for extending authorization for the commission.

Sec. 3. 5 MRSA §13081, sub-§6, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

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. Notwithstanding this subsection, a "local development corporation" is any nonprofit organization 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 that applies for financial assistance for a project under this article, as long as that application is formally endorsed by a vote of the governing body of the municipality in which the project is to be located.

Sec. 4. 30-A MRSA §4753, sub-§2 is enacted to read:

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

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

Sec. 5. 30-A MRSA §4754-A is enacted to read:

§4754-A. First option to purchase surplus lands

All state agencies shall offer the Maine State Housing Authority the opportunity to purchase or otherwise acquire any land and improvements on the land or any structures determined to be surplus before the property may be offered for sale or transfer to any other state agency, community or other buyer or transferee. Notice of availability must be provided in writing to the Director of the Maine State Housing Authority.

1. Notification of interest. The Maine State Housing Authority shall advise the owner agency in writing of its interest in purchasing or otherwise acquiring the surplus land and any improvements on the land or surplus structures or of its decision not to purchase or otherwise acquire any such surplus property within 30 days of receipt of the notification by the Director of the Maine State Housing Authority.

2. Purchase price. If the Maine State Housing Authority offers to purchase the property, the purchase price must be determined as follows.

A. The current market value must be determined by an independent appraiser or by agreement between the Maine State Housing Authority and the owner agency. The Maine State Housing Authority and the owner agency then shall negotiate the ultimate purchase price in good faith in order to achieve the respective goals and mandates of the Maine State Housing Authority and the owner agency.

B. The purchase price may not exceed the current market value of the property as determined in paragraph A.

C. If title to the land or improvements carries a requirement that the property be sold at fair market value, then this requirement prevails over the terms of this subsection.

3. Report. The Maine State Housing Authority shall report to the joint standing committee of the Legislature having jurisdiction over housing and economic development matters 90 days after the 2nd anniversary of the effective date of this section on state surplus land purchased under this section together with any recommendations for improvements.

If any land determined to be surplus is located in a community served by a local public housing authority, as defined in this Title, the Maine State Housing Authority shall offer the first option to purchase the parcel to the local public housing authority. The local public housing authority has 45 days to indicate in writing its desire to acquire the parcel. Other offers to purchase the parcel may not be considered until the 45-day period has passed.

Sec. 6. 30-A MRSA §4907, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; c. 48, §§6 and 31; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Limitations on amount of outstanding principal. The Maine State Housing Authority may not at any time have an aggregate principal amount outstanding, in excess of ~~\$885,000,000~~ \$985,000,000 of mortgage purchase bonds secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4906, subsection 3, paragraph A applies. Mortgage purchase bonds of the Maine State Housing Authority secured by capital reserve funds to which section 4906, subsection 3, para-

graph A does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement of guaranty with a banking or other financial organization or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount not to exceed \$300,000,000.

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

Effective April 24, 1990.

CHAPTER 915

H.P. 1690 - L.D. 2340

An Act to Improve the Job Opportunities Zone Act

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Job Opportunity Zones Act will be repealed on June 30, 1990 without emergency action by the Legislature; and

Whereas, it is the intent of the Legislature to continue the Job Opportunity Zones Act beyond June 30, 1990; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §15136, sub-§1, ¶¶G and H are enacted to read:

G. Each area designated as a zone must submit a strategic action plan to identify the following:

- (1) Specific needs of the zone;
- (2) Format for coordinating federal, state and local resources; and
- (3) Activities the zone will undertake to address needs in the zone.

H. Each zone must provide coordinated administrative staffing which may be funded through job opportunity zone grants.