

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1990 to July 10, 1991

**FIRST SPECIAL SESSION**

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
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**PUBLIC LAWS**  
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C. A minimum of 5% of the General Fund revenues must be used to fund grants to examine the feasibility of, or promote, the involvement of the private sector in the development or implementation of integrated pest management programs in the State.

D. A minimum of 20% of the General Fund revenues must be used to fund grants for integrated pest management research and demonstration projects. The funds may be used to support graduate student programs and stipends. The grant funds may not be used for purposes outside the strict scope of the grant. The grant funds may not be used for defrayal of overhead and administrative costs of the grant recipient.

With the advice of the Integrated Pest Management Advisory Committee established in section 2403, the commissioner may expend any remaining General Fund appropriations for publications, educational efforts and other purposes consistent with this section.

**2. Reporting requirements.** At least annually, all grant recipients shall submit to the commissioner written reports outlining major accomplishments attributable to the grants and the details of the expenditure of the grant funds.

#### **§2403. Integrated Pest Management Advisory Committee**

**1. Establishment; membership.** The Integrated Pest Management Advisory Committee, as established by Title 5, section 12004-I, subsection 2-A, consists of 9 members jointly appointed by the commissioner and the Director of the University of Maine Cooperative Extension. Two members must represent farmers' interests. Each must be a member of an organization representing farmers in general and not limited by commodity. One member must represent the interest of an environmental organization. One member must be a county educator from the University of Maine Cooperative Extension. One member must be a division director or staff-level employee of the Bureau of Agricultural Production. One member must be the scientist from the University of Maine System specializing in agronomy or entomology who serves as a member of the Board of Pesticides Control in accordance with Title 22, section 1471-B. Three members must be representatives from private sector businesses currently practicing or having the potential to adopt integrated pest management techniques. The commissioner and the Director of the University of Maine Cooperative Extension shall appoint one member each from their staffs with technical expertise in integrated pest management to serve in a nonvoting advisory capacity to the committee.

**2. Duties of committee.** The Integrated Pest Management Advisory Committee shall:

A. Consider and study integrated pest management techniques;

B. Assess the need for integrated pest management work with respect to particular pests, particular commodities and the extent to which a reduction in the use of pesticides can be realized;

C. Study and evaluate proposals for funding under the Integrated Pest Management Fund;

D. Advise the commissioner regarding the funding of grant proposals and all other topics relevant to the field of integrated pest management;

E. Evaluate the need for education, including public and consumer education; and

F. Advise the University of Maine Cooperative Extension on the development of its plan of work.

**3. Powers of committee.** The Integrated Pest Management Advisory Committee may:

A. Conduct forums, seminars or meetings;

B. Publish or broadcast information or otherwise promote integrated pest management methods; and

C. Expend sums as approved by the commissioner for the purposes set forth in this chapter.

**4. Meetings.** The committee shall meet 4 times per year and may hold additional meetings upon joint request by the commissioner and the Director of the University of Maine Cooperative Extension. Committee members are entitled to reimbursement for expenses only in accordance with Title 5, chapter 379.

Effective October 17, 1991.

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## CHAPTER 610

H.P. 1067 - L.D. 1556

### An Act to Unify Housing Services

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

**Whereas,** the transfer of duties and bond funds of the Maine Affordable Housing Alliance from the Department of Economic and Community Development to the Maine State Housing Authority requires a deappropriation from the department for fiscal year 1991-92; and

**Whereas,** only emergency enactment of this legislation will permit a timely fiscal year 1991-92 deappropriation; 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 c. 383, sub-c. III, art. 4**, as amended, is repealed.

**Sec. 2. 30-A MRSA §4722, sub-§1, ¶U**, as amended by PL 1991, c. 528, Pt. E, §36, is further amended to read:

U. Consult with the ~~Maine Affordable Housing Alliance, established in Title 5, chapter 383, subchapter VII, Advisory Committee~~ and the Interagency Task Force on Homelessness and Housing Opportunities, as defined in chapter 202, section 5002, ~~subsection 9~~, with respect to the implementation of housing programs to make the best use of resources and make the greatest impact on the affordable housing crisis;

**Sec. 3. 30-A MRSA §5002, sub-§1**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

**1. Advisory committee.** "Advisory committee" means the Affordable Housing Alliance Advisory Committee as defined in ~~Title 5, section 13118~~ Title 30-A, section 5045.

**Sec. 4. 30-A MRSA §5002, sub-§2**, as amended by PL 1989, c. 875, Pt. M, §11 and affected by §13, is further amended to read:

**2. Affordable housing.** "Affordable housing" means decent, safe and sanitary dwellings, apartments or other living accommodations for low-income and moderate-income households. ~~The Office of Community Development in consultation with the Maine State Housing Authority shall~~ may define "affordable housing" by rule. Affordable housing includes, but is not limited to:

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

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

**Sec. 6. 30-A MRSA §5002, sub-§8**, as amended by PL 1989, c. 875, Pt. M, §11 and affected by §13, is repealed.

**Sec. 7. 30-A MRSA §5003, last ¶**, as enacted by PL 1989, c. 601, Pt. B, §4, is repealed.

**Sec. 8. 30-A MRSA §§5004 and 5005**, as enacted by PL 1989, c. 601, Pt. B, §4, are repealed.

**Sec. 9. 30-A MRSA §§5006 and 5011**, as enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

**§5006. Coordination and cooperation**

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

**§5011. Administration and implementation**

~~The housing alliance shall be state authority is responsible for providing assistance to municipalities in implementing this subchapter. In administering assistance to municipalities, the housing alliance shall consult with the state authority in order that the resources of both agencies may be coordinated to produce the maximum benefits.~~

**Sec. 10. 30-A MRSA §5012, first ¶**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

The ~~housing alliance~~ state authority may:

**Sec. 11. 30-A MRSA §5012, sub-§5**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

**5. Seek legal remedies.** Seek all legal remedies available to enforce the contract with a municipality. The ~~housing alliance~~ state authority may seek an injunction for any act or failure to act that violates this chapter or a contract entered into under this chapter.

**Sec. 12. 30-A MRSA §5013, first ¶**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

In implementing this subchapter, the ~~housing alliance~~ state authority shall:

**Sec. 13. 30-A MRSA §5013, sub-§§1, 7 and 9**, as enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

**1. Adopt rules.** Adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 specifying, at a minimum, how money and other

resources provided to municipalities ~~by the alliance~~ may be used;

**7. Provide technical assistance.** Within the resources of the ~~department~~ state authority, provide technical assistance and information to municipalities with respect to the development of affordable housing;

**9. Require matching resources.** Require municipalities to provide matching resources that the ~~alliance~~ state authority finds feasible; and

**Sec. 14. 30-A MRSA §5014**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

**§5014. Nonlapsing revolving loan fund**

In providing loans under this subchapter, the ~~housing alliance~~ state authority shall establish a nonlapsing revolving loan fund to which payment of principal and interest and any other money available to the fund ~~shall~~ must be deposited.

**Sec. 15. 30-A MRSA §5021, first ¶**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

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

**Sec. 16. 30-A MRSA §5023, sub-§10**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

**10. Consult with the interagency task force.** Consult with the ~~housing alliance and the~~ interagency task force with respect to the implementation of this subchapter and the projects to be funded under this subchapter.

**Sec. 17. 30-A MRSA §§5031, 5033, 5034, 5036 and 5041**, as enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

**§5031. Administration and implementation**

The state authority ~~and the housing alliance~~ may provide money and other resources to municipalities and nonprofit housing corporations to acquire or preserve land for affordable housing. ~~The housing alliance shall administer this subchapter with respect to municipalities and the state authority shall administer this subchapter with respect to nonprofit housing corporations and for-profit developers.~~

**1. Consultation.** ~~The housing alliance and the state authority shall consult in administering this subchapter in order to make the best use of resources and maximize their impact.~~ The housing alliance and the state

authority shall consult with the interagency task force with respect to the implementation of this subchapter.

**§5033. Awards of grants and loans**

**1. Criteria.** In providing grants, loans and other resources to municipalities and nonprofit housing corporations under this section, the state authority ~~and the housing alliance~~ shall ~~consult and~~ develop criteria for the award of grants, loans and other resources. In developing the criteria, the authority ~~and the alliance~~ shall consider:

A. The extent of the affordable housing crisis in the municipality or area in which land will be acquired or preserved for affordable housing;

B. The degree of impact that the grant or loan will have on the affordable housing problem;

C. The size of the lower income population in the area to be served;

D. The demonstrated interest and the ability of the municipality or nonprofit housing corporation to address the affordable housing crisis;

E. The degree to which the grant or loan will serve very low-income households;

F. The degree to which the grant or loan will increase the economic activity of the eventual residents of the housing;

G. The degree to which the nonprofit housing corporation provides for significant representation on its board of directors for both residents and community residents;

H. The degree to which the project will have significant self-help or volunteer labor in the development of the housing;

I. The degree to which the grants and loans will assure the long-term affordability of the housing by use of the homestead land trust or other techniques; and

J. Any other criteria that the authority and the alliance consider necessary.

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

~~or more representatives from the housing alliance in the selection process.~~ The state authority shall select the municipalities to receive grants or loans from the Municipal Land Acquisition Revolving Fund and shall select the nonprofit housing corporations to receive funds from the Maine Affordable Housing Land Trust Fund.

**3. Priorities.** In selecting municipalities and nonprofit housing corporations to receive funds under this section, the selections ~~shall~~ must be based on priorities developed by ~~the housing alliance and~~ the state authority. In developing these priorities, ~~the alliance and~~ the authority shall consider:

- A. The degree of activity of housing alliances in each municipality or region in addressing the affordable housing crisis;
- B. The availability of other resources in the municipality or region that can be coordinated with funds and resources provided by ~~the housing alliance or~~ the state authority; and
- C. Any other priorities considered important by ~~the housing alliance or~~ the state authority.

#### **§5034. Preservation of land for affordable housing**

In regard to the acquisition and preservation of land under this subchapter, the state authority, ~~the housing alliance~~, municipalities and nonprofit housing corporations may use deed restrictions, trust agreements and any other type of agreement designed to maintain land for affordable housing.

#### **§5036. Municipal Land Acquisition Revolving Fund**

The Municipal Land Acquisition Revolving Fund is established as a nonlapsing revolving fund to provide low-interest loans to municipalities for the acquisition or development of land for affordable housing. ~~The fund shall be~~ is administered by ~~the housing alliance state authority~~. The alliance state authority shall deposit in this fund all payments of principal and interest on loans made from the fund.

#### **§5041. Task force created**

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

**Sec. 18. 30-A MRSA §5042, sub-§4**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

**4. Staff.** The authority ~~and the department~~ shall provide staff support to the interagency task force. State

agencies represented on the task force shall also provide assistance when requested.

**Sec. 19. 30-A MRSA §5044**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

#### **§5044. Duties**

The interagency task force shall advise ~~the housing alliance and~~ the state authority with respect to the implementation of this chapter and the development of affordable housing. The task force shall:

**1. Assist in the development of affordable housing plan.** Assist ~~the housing alliance and~~ the state authority with the development of the affordable housing plan under subchapter I;

**2. Make recommendations.** Make recommendations to ~~the housing alliance, the~~ state authority, the Governor and the Legislature with respect to policies, programs and funding under this chapter;

**3. Review programs and policies.** Review and examine the plan, programs, policies and funding to determine their effectiveness. The task force shall provide the findings of its review to the persons and organizations set forth in subsection 2;

**4. Serve as coordinator of information.** Serve as a coordinator of information and communication among state agencies and among the state, municipal and private sectors with respect to this chapter; and

**5. Assistance to homeless.** In cooperation with ~~the housing alliance and~~ the state authority, identify the resources available to the homeless and persons with special needs, identify the gaps in delivery services to this population and make recommendations concerning the policies and programs serving this population.

**Sec. 20. 30-A MRSA §5045** is enacted to read:

#### **§5045. Advisory committee established**

The Affordable Housing Alliance Advisory Committee shall serve as an advisory group to the state authority with respect to the implementation of chapter 202.

**1. Membership.** The Affordable Housing Alliance Advisory Committee must have broad geographic representation and consist of 15 members representing both the public and private sectors, including housing developers, bankers, real estate professionals and elected or appointed municipal officials appointed as follows.

A. Nine members are appointed by the Governor to serve 3-year terms, except that 3 of the initial appointees are appointed for terms of 2 years and 3 are appointed for terms of one year. All members serve

until their successors are appointed and qualified. Vacancies occurring in positions appointed by the Governor must be filled by appointment by the Governor for the remainder of the terms.

B. Five members are appointed jointly by the President of the Senate and the Speaker of the House of Representatives to serve 3-year terms, except that 2 of the initial appointees are appointed for terms of 2 years or less as determined by the appointing authorities. Members appointed by the presiding officers of the Legislature may be reappointed. All members shall serve until their successors are appointed by the presiding officers. Vacancies must be filled by the appointing authorities for the remainder of the terms.

C. The Director of the Maine State Housing Authority or the director's designee shall serve on the advisory committee.

2. Compensation. Public members are compensated in accordance with the provisions of Title 5, chapter 379.

3. Chair. The advisory committee shall elect a chair from among its members to serve a term of 2 years.

4. Duties. The advisory committee shall advise the state authority with respect to the implementation of chapter 202 and the overall development of affordable housing in Maine. The advisory committee shall:

A. Make recommendations to the state authority with respect to policies, programs and funding under chapter 202; and

B. Review and examine the plan, program, policies, funding and implementation of programs established in chapter 202 to determine their effectiveness.

5. Sunset. This section is repealed on October 1, 1992.

**Sec. 21. 30-A MRSA §§5051, 5052 and 5053,** as enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

#### **§5051. Administration and implementation**

The ~~commissioner~~ state authority, in consultation with the ~~executive director of the state authority and the interagency task force,~~ shall administer this subchapter. ~~The department and the state authority shall coordinate the resources available to each agency to address residential deteriorating areas and to restore these areas to decent, sanitary and safe residential neighborhoods.~~

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

The ~~commissioner~~ state authority, in consultation with the ~~state authority and the interagency task force,~~

may establish 4 demonstration housing opportunity zones, each comprised of a different municipality or portion of a municipality. These demonstration zones shall serve as a means of determining the effectiveness of zones as a tool stimulating residential revitalization in deteriorating neighborhoods.

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

A. The zones must be located in urban areas experiencing significant deterioration in residential neighborhoods.

B. All areas wishing to be designated as zones must demonstrate actual or potential local capacity for residential revitalization and the willingness to cooperate with the ~~department~~ state authority.

C. The level of general assistance by the State and the municipality, as well as the level of federal assistance to persons in these areas, shall must be considered.

D. All municipalities requesting zone designation for areas within the municipality must have a local housing alliance which shall help develop a plan of action to revitalize deteriorating residential dwellings and neighborhoods. The plan shall must address the major problems of these deteriorating areas, including a law enforcement component to significantly reduce crime in these areas.

In applying these standards, the ~~commissioner~~ state authority shall also consider the problem of crime in these areas.

#### **§5053. Powers**

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

**1. Approve or deny applications.** Approve or deny applications for assistance;

**2. Alter or amend comprehensive plans.** Alter or amend any comprehensive plan to be applied to revitalization of housing opportunity zones; or

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



**Sec. 22. 30-A MRSA §5054, first ¶**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

**§5054. Duties of commissioner**

In implementing this subchapter, the ~~commissioner~~ state authority shall:

**Sec. 23. 30-A MRSA §5054, sub-§§2, 4 and 5**, as enacted by PL 1989, c. 601, Pt. B, §4, are amended to read:

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

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

**5. Analyze problems and causes of problems that create residential blight.** In implementing this subsection, ~~the commissioner~~, the interagency task force and the state authority shall monitor the 4 demonstration zones and develop findings and recommendations concerning neighborhood deterioration and revitalization; and

**Sec. 24. 30-A MRSA §5055, first ¶**, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

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

**Sec. 25. Transition provisions.** The following provisions apply to the reassignment of the duties and responsibilities of the Department of Economic and Community Development indicated in this Act.

1. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances or appropriations, allocations, transfers, revenues, the proceeds of general obligation bonds of the State issued or to be issued pursuant to Private and Special Law 1989, chapter 84 or other available funds in an account or subdivision of an account

supporting the duties and functions of the programs to be transferred from the Department of Economic and Community Development must be transferred to the Maine State Housing Authority.

2. All existing loan agreements, commitments of program funds and housing opportunity zone designations currently in effect concerning the programs to be moved from the Department of Economic and Community Development continue in effect. The Maine State Housing Authority is the successor to all such loan agreements, commitments of program funds and housing opportunity zone designations concerning the programs to be moved from the Department of Economic and Community Development subject to the availability of the proceeds of the general obligation bonds issued or to be issued pursuant to Private and Special Law 1989, chapter 84.

3. All records, property and equipment previously belonging to or allocated for the use of the programs to be moved from the Department of Economic and Community Development transfer with the programs to the Maine State Housing Authority.

4. The repeal and reenactment of the Affordable Housing Alliance Advisory Committee do not affect the term, tenure or appointment of the current members of the committee.

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

Effective July 30, 1991.

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## CHAPTER 611

H.P. 1166 - L.D. 1707

### An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies

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

**Sec. 1. 5 MRSA §1653, sub-§6-A** is enacted to read:

**6-A. OMB circulars.** "OMB circulars" means those publications of the federal Office of Management and Budget applicable to grants administration, cost principles and audit standards and the implementing regulations for each, as codified by federal agencies.

**Sec. 2. 5 MRSA §§1659 to 1660-A** are enacted to read: