

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Economic Development Incentive Commission established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 6-A, shall review economic development incentives as defined in Title 5, section 13070-J using the criteria specified in Title 5, section 13070-O. The department shall review and report on the economic development incentives in Title 5, section 13070-J, subsection 1, paragraph D, subparagraphs (1) to (3) by November 1, 2000. The department shall review and report on the economic development incentives in Title 5, section 13070-J, subsection 1, paragraph D, subparagraphs (4) to (7) by November 1, 2001. The department's reports must be submitted to the joint standing committee of the Legislature having jurisdiction over taxation matters.

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Economic Development Incentive Commission

All Other \$20,000

Provides funds on a one-time basis for studies, research and operating expenses for the commission to carry out its statutory duties.

See title page for effective date.

CHAPTER 769

S.P. 982 - L.D. 2532

An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program

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

Sec. 1. 5 MRSA §6203, sub-§3, ¶¶A and B, as amended by PL 1993, c. 728, §4, are further amended to read:

A. Acquire property or an interest in property that is determined by the board to be of state significance under the guidelines of this chapter; ~~and~~

B. Fund minor capital improvements on lands acquired by proceeds from the Land for Maine's

Future Fund to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; ~~and~~

Sec. 2. 5 MRSA §6203, sub-§3, ¶C is enacted to read:

C. When interest in farmland is acquired, fund the development of a business plan and capital improvements to provide for the land's continuing use as a working farm, as long as these improvements do not exceed 5% of the appraised value of the acquired property.

Sec. 3. 7 MRSA §401-B, sub-§6 is enacted to read:

6. Monitoring consumption of Maine-produced food. By November 1, 2000, the commissioner shall develop a method and baseline research to estimate the percentage of food consumed in Maine that is produced within Maine. The commissioner shall update the methodology and estimate every 2 years and include the latest estimate in the biennial report submitted to the Legislature pursuant to section 2, subsection 5.

Sec. 4. 7 MRSA §434, sub-§2 is enacted to read:

2. Direct marketing. "Direct marketing" means the marketing of agricultural products by farmers directly to consumers and restaurants. "Direct marketing" includes, but is not limited to, farmers' markets, farms selling produce picked by the consumer, roadside farm stands, farms selling shares of an anticipated harvest and catalog sales.

Sec. 5. 7 MRSA §435, sub-§2, ¶G is enacted to read:

G. The commissioner shall make available a minimum of \$1,000,000 from the Agricultural Marketing Loan Fund for the purpose of providing loans to agricultural enterprises that are engaged primarily in direct marketing as defined in section 434, subsection 2. Eligibility criteria for an agricultural marketing loan under this paragraph must allow agricultural enterprises that are engaged primarily in direct marketing to apply for loans for traditional equipment and other capital expenses as provided in Title 10, section 1023-J. Notwithstanding paragraphs A and B, an agricultural loan for a project under this paragraph may not exceed \$50,000. This paragraph is repealed December 31, 2002.

Sec. 6. 7 MRSA §436-A is enacted to read:

§436-A. Development of business plans

An agricultural enterprise applying for a loan under this subchapter may receive funding for the development of a business plan in accordance with this section.

1. Eligibility. The commissioner may authorize the release of funds to a loan applicant for the purposes of developing a business plan when the following conditions are met:

A. The project is eligible for a loan under the provisions of this subchapter and Title 10, section 1023-J;

B. The application does not include a business plan for the project or the business plan is deemed inadequate by the commissioner; and

C. The commissioner determines that the project as described in the application has merit.

2. Limitations. The amount of funds released for the purposes of developing a business plan may not exceed 50% of the cost of developing a plan. The amount of funds released for the purposes of developing a business plan may not exceed \$1,000 or 5% of the amount of the requested loan for the project, whichever is less.

3. Final approval of loan. When an applicant receives funding for the development of a business plan in accordance with this section, the applicant shall provide the commissioner with a copy of the completed business plan no more than 6 months from the date funding for the plan was received. At that time, the commissioner shall review the business plan and other application materials and make a final determination on the application. If the applicant receives a loan under this subchapter, the amount of money received from the fund for the business plan becomes part of the total loan amount and is paid back to the Agricultural Marketing Loan Fund. If the applicant does not receive a loan under this subchapter, the applicant is not required to pay back funds received for a business plan under this section.

Sec. 7. 10 MRSA §1023-J, first ¶, as enacted by PL 1995, c. 658, §2, is amended to read:

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Food and Rural Resources in accordance with Title 7, chapter 101, subchapter I-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for

agricultural enterprises may be used only for the following purposes: to provide assistance to agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; ~~or~~ for the construction, renovation or acquisition of land, buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise; or for the development of a business plan in accordance with the provisions of Title 7, section 436-A. Repayment of these loans and interest on these loans must be credited to the fund and must be available for making additional loans for the same purposes, except that interest may be used for the purposes stated in Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

Sec. 8. Commissioner of Agriculture, Food and Rural Resources to convene working group on in-state purchasing of food produced in Maine. The Commissioner of Agriculture, Food and Rural Resources shall convene a working group to assess food consumption in Maine and ways to increase the sale of locally produced food within Maine.

1. The Commissioner of Agriculture, Food and Rural Resources shall invite participation by the following:

A. The Bureau of Purchases within the Department of Administrative and Financial Affairs, the so-called "Support Systems Team" within the Department of Education and the State Planning Office;

B. Two or more Maine agricultural producers; and

C. Individuals and representatives of agencies, agricultural organizations and food purchasers as needed to fulfill the duties of the working group.

2. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee, in consultation with the working group, shall:

A. Establish baseline information about origins of food consumed in Maine, including a breakdown of the percent grown in state and the percent grown out of state and a plan for periodic updates of this information;

B. Estimate and document, to the extent possible, the benefits to the State as a whole from increased purchasing of locally grown foods,

including the potential impact on Maine's rural communities, the environment, the protection of valuable farmland and jobs in local production, processing and distribution;

C. Meet with Maine's institutional food service buyers and restaurant food buyers to assess the extent of local products currently utilized, to encourage additional purchasing, to set targets for annual increases in Maine foods purchasing at each institution and to develop policy recommendations and suggest statutory changes pertaining to institutional purchasing of food;

D. Suggest ways and techniques for food buyers, kitchen managers and chefs to increase their use of local foods, such as special Maine meals events, in-season vegetable promotions and the development of special Maine products-based recipes;

E. Work with producer groups to inform and educate producers about the special requirements of institutional food buyers; and

F. Develop a model contract for institutional food buyers to use in contracting with local producers, and encourage its use.

3. No later than January 15, 2001, the Commissioner of Agriculture, Food and Rural Resources shall report to the First Regular Session of the 120th Legislature and to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the accomplishments of the working group and recommendations for continuing efforts to promote in-state purchasing of foods grown in Maine.

Sec. 9. Plan for expanding farmers' markets. By January 15, 2001, the Commissioner of Agriculture, Food and Rural Resources shall prepare a strategy for increasing the number of farmers' markets in Maine and shall submit a report on that strategy to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The commissioner shall identify sources of funding and provide technical assistance to local farmers' markets to improve their operations, including assistance with developing permanent or better sites for their markets; promotion of market hours, locations and special events; feasibility studies for covered pavilions or indoor locations; and improving directional signs and on-site signs for the markets.

Sec. 10. Revision of statutory provisions. The joint standing committee of the Legislature having jurisdiction over agricultural matters shall review statutory provisions regarding agricultural internship and training, agricultural awareness, purchasing of food by state institutions and in-state marketing of food produced in Maine, and shall review Maine's

food policy, Resolve 1984, chapter 51. The joint standing committee of the Legislature having jurisdiction over agricultural matters may report out a bill during the 120th Legislature to reorganize the provisions contained in the Maine Revised Statutes, Title 7, chapters 8-A, 8-B, 8-D and chapter 101, subchapters 1, 1-A, 2 and 2-B to eliminate archaic terms and confusing language, update cross-references and make revisions to direct the department in its responsibilities for promoting agricultural awareness and local food consumption and for developing mentoring opportunities in agriculture and to codify certain provisions of Maine's food policy.

Sec. 11. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Division of Market and Production Development - Agricultural Vitality Program

All Other	\$20,000
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Provides one-time funds for costs associated with developing information on the origins of food consumed in Maine and facilitating communication between food buyers and producers to increase purchasing of Maine-grown food. Any unencumbered balance appropriated for the purpose of this section may not lapse but must be carried forward to be used for the same purpose.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Maine Milk Commission

All Other	\$25,000
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Provides funds from the vendor tax to be used for dues associated with membership in the Northeast States Association for Agricultural Stewardship.

See title page for effective date.

CHAPTER 770

H.P. 1872 - L.D. 2608

An Act to Improve Educational Programming at Juvenile Correctional Facilities

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

Whereas, there is a need to study educational programming at juvenile correctional facilities to determine their educational programming needs and the best way to meet those needs; 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. 20-A MRSA §4502, sub-§1, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

1. General requirements. Elementary and secondary schools and school administrative units, including an educational program or school located in or operated by a juvenile correctional facility, shall meet all requirements of this Title and other statutory requirements applicable to the public schools and basic school approval standards.

Sec. 2. 20-A MRSA §4502, sub-§7 is enacted to read:

7. Juvenile corrections facilities. An educational program or school for juveniles located in or operated by a correctional facility must be reviewed for approval by the department on an annual basis, with special attention paid to alternative educational programming. The department shall report to the joint standing committees of the Legislature having jurisdiction over appropriations, criminal justice and

education matters on the results of the review by January 15th of each year.

Sec. 3. 34-A MRSA §3002-A, first ¶, as enacted by PL 1997, c. 752, §34, is amended to read:

The commissioner and the Commissioner of Education shall appoint a ~~7-member~~ 9-member policy review council, referred to in this section as the "council," as authorized by Title 5, chapter 379.

Sec. 4. 34-A MRSA §3002-A, sub-§§1 and 2, as enacted by PL 1997, c. 752, §34, are amended to read:

1. Term. Legislative members serve as voting, ex officio members. The term of office for nonlegislative members is 3 years. The initial appointments are as follows:

- A. Three members for 3 years;
- B. Two members for 2 years; and
- C. Two members for one year.

Replacements for council members who do not complete their terms of office are for the remainder of the unexpired terms.

2. Council members. The cochairs of the joint standing committee of the Legislature having jurisdiction over education matters or their designees are members. The other council members must be representative of a broad range of professionals, parents and citizens interested in the education of students confined in the department's juvenile facilities and include the parents of a current or former student. In addition, council members may include:

- A. Professionals not employed by the department who serve or have served students in a corrections setting;
- B. Representatives of advocacy groups for children with special needs;
- C. School administrative unit administrators or special education directors; and
- D. Interested citizens.

~~A Legislator may not serve on the council.~~

Sec. 5. 34-A MRSA §3002-A, sub-§5 is enacted to read:

5. Meetings; report. The council shall meet at least 4 times a year and keep minutes and records of the meetings. The council shall submit a report each year to the joint standing committee of the Legislature having jurisdiction over education matters.