

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

CHAPTER 593

H.P. 1557 - L.D. 2059

**An Act Regarding Site Selection
Criteria for Parking for State
Facilities**

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

Sec. 1. 30-A MRSA §4349-A, sub-§2, as amended by PL 2001, c. 90, §2 and c. 406, §13, is further amended to read:

2. State facilities. The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts and other state civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. On-site parking may only be required if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. Employee parking that is within reasonable walking distance may be located off site. If there is a change in employee parking from on-site parking to off-site parking, the Department of Administrative and Financial Services must consult with the duly authorized bargaining agent or agents of the employees. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a state liquor store; a lease of less than 500 square feet; and a lease with a tenure of less than one year, including renewals.

See title page for effective date.

CHAPTER 594

H.P. 1614 - L.D. 2111

**An Act to Authorize County
Extension Building Associations to
Borrow Money**

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

Sec. 1. 7 MRSA §196 is enacted to read:

§196. Building associations authorized

The county commissioners of a county or combination of 2 counties in which there is a county extension association may form a county extension building association pursuant to this section and Title 13, chapter 81. In addition to the powers and authority granted and duties and limitations imposed under Title 13, chapter 81, the county extension building association has all the powers and authority granted under this section and is subject to all the duties and limitations imposed under this section, except that, in the case of any conflict between this section and Title 13, chapter 81, this section controls. A county extension building association is a political subdivision of the State and a constituted authority for purposes of the United States Internal Revenue Code of 1986, Section 103.

1. Purpose. The purpose of a county extension building association is to acquire, by purchase, lease or otherwise, buildings and other real and personal property to be used by a county extension association in carrying out its public purposes under this chapter.

2. Directors. The county commissioners of the county or counties forming the county extension building association shall determine the method of choosing the building association's directors. A majority of the directors of a county extension building association must be appointed by the county commissioners of the county or counties comprising the affiliated county extension association.

3. Borrowing. In order to carry out its purpose, a county extension building association by a vote of the directors may borrow money on behalf of the county or of either or both of the counties comprising the affiliated county extension association by the issuance of bonds or notes and grant mortgages and security interest in the county extension building association's property to secure the obligations. All bonds or notes must be for a term not to exceed 30 years and contain such terms and conditions as the directors of the county extension building association determine. The bonds or notes may not be an obligation of or pledge the faith and credit of the State or any county or political subdivision other than the county extension building association. Bonds or notes may be issued by the county extension building association under this section without obtaining the consent of any commission, board, bureau or agency of the State or of the county or counties comprising the affiliated county extension association and without any other proceeding or conditions than those

proceedings or conditions that are specifically required by this section.

4. Limitations; dissolution. No part of the net earnings of a county extension building association may inure to the benefit of any member, director or officer of the county extension building association or any private individual, except that reasonable compensation may be paid for services rendered, and a member, director or officer of a county extension building association or any private individual is not entitled to share in the distribution of any of the corporate assets on dissolution of the county extension building association. On the dissolution of a county extension building association or on the termination of its activities, the assets of the county extension building association remaining after the payment of its liabilities must be distributed to the county in which the county extension building association is housed.

See title page for effective date.

CHAPTER 595

H.P. 1619 - L.D. 2118

**An Act to Implement the
Recommendations of the Committee
to Study the Loss of Commercial
Fishing Waterfront Access and Other
Economic Development Issues
Affecting Commercial Fishing**

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

Sec. 1. 38 MRSA §1804 is enacted to read:

§1804. Interagency review of coastal water access issues

The Executive Department, State Planning Office and the Department of Marine Resources, within existing budgeted resources, shall convene a working group of staff from all state agencies that deal with coastal water access issues to share data, program activities and areas for collaboration on coastal water access issues. Each agency shall identify the coastal water access data that the agency has, the coastal water access data that the agency needs and potential funding sources for the collection of the needed data. Other stakeholders may be included as appropriate. The State Planning Office and the Department of Marine Resources shall submit a report of the working group's activities, including how the agencies can work cooperatively to make creative use of available funds to address both recreational and commercial access needs and to optimize projects that are multiuse in nature to the joint standing committee of the

Legislature having jurisdiction over marine resources matters by January 15th of every odd-numbered year.

Sec. 2. Coastal management review. The Land and Water Resources Council, within existing budgeted resources, shall conduct a review of the effectiveness of the State's approved coastal management plan in meeting the State's public access and working waterfront policy goals established in the Maine Revised Statutes, Title 38, sections 1801 and 1802. The review must include, but not be limited to, an exploration of state and local jurisdiction and authority, development of incentives for municipalities to improve coastal access, development of incentives for municipalities to conserve working waterfront lands for water-dependent uses, and development of performance indicators to allow for ongoing measurement of progress. By December 15, 2002, the Land and Water Resources Council shall submit a report that includes its findings and recommendations and any legislation necessary to implement its recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 121st Legislature concerning the findings and recommendations in the report.

Sec. 3. Seafood innovation, marketing and research fund. The Department of Marine Resources, with assistance from the Marine Resources Advisory Council, within existing budgeted resources, shall study the value of creating an ongoing seafood innovation, marketing and research fund for the commercial fishing industry to use for scientific research, for researching new products, new markets and new gear types and for enhancing value-added processing. The study must include mechanisms for funding the fund, specifically, industry contribution through a landings or license fee. By January 10, 2003, the Department of Marine Resources shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 121st Legislature concerning the findings and recommendations in the report.

See title page for effective date.
