

**§13058. Duties and responsibilities of commissioner**

The department shall be administered by the commissioner. The commissioner shall have the following powers and duties. [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

**1. Employ and remove staff.** The commissioner shall employ and remove staff of the department. Persons employed in major policy-influencing positions, as defined in section 934-A, and professional staff whose positions were formerly located in the State Development Office serve at the pleasure of the commissioner. The office directors serve at the pleasure of the commissioner.

A. All professional positions that are unclassified positions and members of bargaining units and are transferred to the department from units of State Government other than the State Development Office retain their current status, including their rights as members of bargaining units. The position responsible for the administration of the tax incentive programs and classified, clerical and other nonprofessional staff must be hired pursuant to the Civil Service Law for classified state employees. [PL 2005, c. 425, §4 (AMD).]

B. The commissioner may employ or engage such outside technical or professional consultants as may be necessary or appropriate to assist the office in carrying out its functions and may enter into contracts with other boards, commissions, departments and divisions of the State, with the University of Maine System or with private entities to assist the commissioner in carrying out the commissioner's duties under this chapter. [PL 2005, c. 425, §4 (AMD).]  
[PL 2005, c. 425, §4 (AMD).]

**2. Accept federal funds.** The commissioner may accept for the State any federal funds appropriated under any federal law relating to the authorized programs of the department, including community and economic development in those nonentitlement areas and for those projects duly authorized under the United States Housing and Community Development Act of 1974, Title 1, and its subsequent amendments. The commissioner may undertake the necessary duties and tasks to implement federal law with respect to the authorized programs of the department.

A. The commissioner may accept for the department any funds from any other agency of government, individual, group, foundation or corporation to carry out this chapter, including fees designated by the commissioner for books, brochures, pamphlets, films, photos, maps and similar materials. A revolving fund is established within the department for the use of the department to cover the printing and distribution costs of these materials. Income from the sale of publications shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving funds. [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]  
[PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

**2-A. Accept grants.** The commissioner may accept grant funds from other public or private sources to be used to carry out the duties of the department.  
[PL 1989, c. 875, Pt. E, §7 (NEW).]

**2-B. Make grants; equity investments; loans; contractual arrangements.** The commissioner may make, alone or in participation or cooperation with other persons, direct equity investments in, grants or loans to or any other contractual arrangement allowed by law with private entities for the purposes of encouraging and supporting economic and business growth, rural manufacturing and industrial site redevelopment and implementation of a strategic plan. As a condition of a disbursement of funding in whatever form to a private entity for purposes described in this subsection, the department may require from the private entity satisfactory evidence that the private entity has invested matching funds in an equal amount for the same purposes. Matching funds may be in the form of debt or equity investment as long as the financial commitment is for a minimum of 5 years.  
[PL 2021, c. 501, §1 (NEW).]

**3. Hold hearings and adopt rules.** The commissioner may hold hearings and adopt rules, in accordance with the Maine Administrative Procedure Act, with respect to the implementation of authorized programs of the department.

A. The commissioner may adopt rules to distribute funds or assistance under the United States Housing and Community Development Act of 1974, Title 1, and its subsequent amendments. The rules must be consistent with the annual final statement for the State Community Development Program submitted to the Federal Government. The department shall give notice in writing of any such rules to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 20 days before the hearing, as stipulated in the Maine Administrative Procedure Act, or before the deadline for comments if no hearing is scheduled. [RR 2015, c. 1, §3 (COR).]

B. The commissioner shall adopt rules to distribute funds or assistance pursuant to subsection 2-B. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter 2-A. [PL 2021, c. 501, §2 (NEW).]  
[PL 2021, c. 501, §2 (AMD).]

**4. Coordinate programs and services.** The commissioner shall coordinate the programs and services of the department. The commissioner shall coordinate the department's programs and services with those programs and services of other state agencies and regional planning and economic development organizations.

[PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

**5. Review of program; report to Governor and Legislature.** The commissioner shall review and evaluate the programs and functions of the department and the operation of the economic delivery system using the information available from the long-term economic plan for the State pursuant to Title 10, section 929-A, subsection 1, the evaluation of state economic development investments pursuant to section 13070-P and the evaluations of tax expenditures pursuant to Title 3, section 999. The commissioner shall report the commissioner's findings and recommendations with respect to the issues described in this subsection to the Governor and to the Legislature no later than February 1st of each first regular session of the Legislature. The commissioner shall conduct the review and evaluation with respect to the following:

A. The purpose of these programs and the degree to which the purpose is being met; [PL 1993, c. 349, §14 (RPR).]

B. The degree of significance of the purpose of the programs and functions of the department; [PL 1993, c. 349, §14 (RPR).]

C. The extent of the coordination of programs and services as required in subsection 4; [PL 1993, c. 349, §14 (RPR).]

D. The needs, problems and opportunities that are not being met by the programs and services of the department; [PL 1993, c. 349, §14 (RPR).]

E. The types of programs and services necessary to meet the needs, problems and opportunities as set out in paragraph D; [PL 1993, c. 349, §14 (RPR).]

F. The problems and successes in the economic delivery system; [PL 1993, c. 349, §14 (RPR).]

G. The state of small business in this State, including economic data, the effectiveness of state programs to aid small business, problems of small business that may be affected by state policies and such other information on small business as desired by the commissioner; [PL 1993, c. 349, §14 (RPR).]

H. Within available resources, the extent of business growth and change, including business expansions, new businesses and business closings; [PL 1999, c. 776, §4 (AMD).]

I. Within available resources, the status of investments in business in the State; [PL 2021, c. 501, §3 (AMD).]

J. The extent to which the purposes of the Maine Downtown Center are being met; and [PL 2021, c. 501, §4 (AMD).]

K. The recipients, amounts and outcomes of grants, loans or other direct funding made or provided to private entities pursuant to subsection 2-B for activities that are not otherwise required by a specific program's authorizing statute or appropriation to be reported to the Legislature. [PL 2021, c. 501, §5 (NEW).]

[PL 2021, c. 501, §§3-5 (AMD).]

**6. Responsible for oversight.** The commissioner shall be responsible for the oversight and implementation of the following:

A. A program of assistance to encourage business development pursuant to subchapter II; [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

B. Community development programs; [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

C. A program of tourism promotion and development; [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

D. The promotion of Maine products and Maine as an investment opportunity; [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

E. A foreign trade zone program; and [PL 2001, c. 703, §2 (AMD).]

F. The Business Assistance Referral and Facilitation Program, pursuant to section 13063. [PL 2001, c. 703, §2 (AMD).]

G. [PL 2001, c. 703, §3 (RP).]

[PL 2001, c. 703, §§2, 3 (AMD).]

**7. Commissioner to coordinate programs.**

[PL 2003, c. 673, Pt. M, §3 (RP).]

**8. Dependent care services.**

[PL 2003, c. 673, Pt. M, §4 (RP).]

**9. Designate and certify local and regional organizations.** The commissioner may designate and certify competent local and regional economic development organizations to implement state programs and services in whole or in part.

A. The commissioner may assist in forming regional planning commissions and councils of governments and may assist with financing the cost of operation of the regional planning commissions established under Title 30, chapter 204-A, subchapter III, and councils of governments empowered under Title 30, chapter 204-A, subchapter II. [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

B. The commissioner shall adopt rules with respect to standards and criteria for local and regional agencies to be certified and evaluate local and regional organizations in regard to the implementation of these programs and services. [PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]  
[PL 1987, c. 534, Pt. A, §§17, 19 (NEW).]

**10. Assistance to municipalities to generate economic growth.** The commissioner shall administer a program of assistance to municipalities to generate jobs and business development. Potential uses of this money include infrastructure development, planning and technical assistance, marketing and other types of capacity building.

A. This program may consist of a fund consisting of money derived from any general obligation bonds issued for the purposes of generating economic development and jobs. This fund with money not exceeding \$1,000,000 shall be administered by the Department of Economic and Community Development to provide assistance as defined in this subsection. Money available for the purpose of this subsection shall not be used to provide financial assistance to business. [PL 1987, c. 769, Pt. A, §19 (NEW).]

B. [PL 1995, c. 462, Pt. A, §11 (RP).]  
[PL 1995, c. 462, Pt. A, §11 (AMD).]

**10-A. Maine Downtown Center.**

[PL 1999, c. 790, Pt. R, §1 (RP).]

**11. Federally mandated programs.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**12. Energy conservation standards.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**13. Approval or denial of certificates.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**14. Preparation of manual.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**15. Review and inspection.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**16. Administration of state standards.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**17. Rule-making authority.**

[PL 1989, c. 875, Pt. M, §§4, 13 (RP).]

**18. Commissioner's designee.** When the commissioner is explicitly empowered by statute to appoint a designee to replace the commissioner on any board, commission or similar body, none of which have a termination date, and the commissioner appoints a designee, the commissioner shall appoint that designee from within the commissioner's department. The commissioner shall make this designee known to the appointing authority and to the chair of the body to which the appointment is made, if that body exists at the time of appointment. The designee is the only person who may fill that appointee position until a successor is designated through the same appointment procedure.

[PL 1995, c. 688, §7 (NEW).]

**19. Coordinate assessment of transportation needs related to economic development projects.**

The commissioner shall coordinate the activities of the department, the Department of Agriculture, Conservation and Forestry, the Department of Transportation and regional planning and economic development organizations to ensure that the location of rail lines, potential use of passenger and freight rail and costs of transportation improvements related to development are considered during initial planning and locating of projects reviewed by the commissioner in administering economic development programs under this chapter.

[PL 2011, c. 655, Pt. JJ, §3 (AMD); PL 2011, c. 655, Pt. JJ, §41 (AFF); PL 2011, c. 657, Pt. W, §5 (REV).]

**SECTION HISTORY**

PL 1987, c. 534, §§A17,A19 (NEW). PL 1987, c. 769, §A19 (AMD). PL 1989, c. 501, §DD16 (AMD). PL 1989, c. 857, §44 (AMD). PL 1989, c. 875, §§E7,L3,4,M4 ,13 (AMD). PL 1993, c. 349, §14 (AMD). PL 1995, c. 462, §A11 (AMD). PL 1995, c. 688, §7 (AMD). PL 1997, c. 530, §A34 (AMD). PL 1999, c. 776, §§4-6 (AMD). PL 1999, c. 790, §R1 (AMD). PL 2001, c. 703, §§2,3 (AMD). PL 2003, c. 498, §1 (AMD). PL 2003, c. 673, §§M3,4 (AMD). PL 2005, c. 425, §4 (AMD). PL 2009, c. 337, §3 (AMD). PL 2011, c. 655, Pt. JJ, §3 (AMD). PL 2011, c. 655, Pt. JJ, §41 (AFF). PL 2011, c. 657, Pt. W, §5 (REV). RR 2015, c. 1, §3 (COR). PL 2017, c. 264, §6 (AMD). PL 2021, c. 501, §§1-5 (AMD).

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