

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

the Seaweed Management Fund. The report must include recommendations on the license and fee structures for seaweed permits and other potential sources of revenue to fund research on the State's seaweed resources.

The Joint Standing Committee on Marine Resources is authorized to report out legislation regarding seaweed permits and the Seaweed Management Fund to the Second Regular Session of the 119th Legislature.

**Sec. 6. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
<b>MARINE RESOURCES, DEPARTMENT OF</b>		
<b>Bureau of Resource Management</b>		
All Other	\$9,050	\$12,050
Provides for the allocation of funds to be used to research and manage seaweed resources and to enforce laws and rules related to seaweed.		

See title page for effective date.

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**CHAPTER 502**

**S.P. 534 - L.D. 1596**

**An Act to Clarify the Sales Tax Exemption for Food Service in Educational Institutions**

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

**Sec. 1. 36 MRSA §1760, sub-§6, ¶C,** as amended by PL 1991, c. 846, §19, is further amended to read:

C. By hospitals, schools, long-term care facilities, food contractors and restaurants to incorporate nonprofit area agencies on aging for the purpose of providing meals to the elderly; ~~and~~

**Sec. 2. 36 MRSA §1760, sub-§6, ¶D,** as enacted by PL 1991, c. 846, §20, is amended to read:

D. To residents of incorporated nonprofit church-affiliated congregate housing facilities for the elderly in which at least 75% of the units

are available for leasing to eligible lower-income residents; ~~and~~

**Sec. 3. 36 MRSA §1760, sub-§6, ¶E** is enacted to read:

E. Served by colleges to employees of the college when the meals are purchased with debit cards issued by the colleges.

See title page for effective date.

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**CHAPTER 503**

**H.P. 1076 - L.D. 1523**

**An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial**

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

**Sec. 1. 15 MRSA §101-B, sub-§4, ¶A,** as corrected by RR 1995, c. 2, §26, is amended to read:

A. Commit the defendant to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. ~~The commitment may not exceed one year in duration.~~ At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service shall forward a report to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services relative to the defendant's competence to stand trial and its reasons therefor. The commissioner shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and ~~shall~~ receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803, and the court determines that the defendant is not competent to stand trial and there does not exist a

substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and order the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to commence involuntary commitment proceedings pursuant to Title 34-B, chapter 3, subchapter IV. If the defendant is charged with offenses not listed in the previous sentence, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and notify the appropriate authorities who may institute civil commitment procedures for the individual; or

See title page for effective date.

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## CHAPTER 504

S.P. 315 - L.D. 949

### An Act to Encourage Economic Development in the State

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

**Sec. 1. 7 MRSA §434, sub-§1**, as enacted by PL 1995, c. 658, §1, is repealed and the following enacted in its place:

**1. Agricultural enterprise.** "Agricultural enterprise" means a person or business located in this State and engaged in the commercial growing or harvesting of plants; raising of animals; growing or obtaining plant or animal by-products; aquaculture, as defined in Title 12, section 6001, subsection 1; or further processing, storing, packaging or marketing a raw product derived from plants, animals, plant or animal by-products or aquaculture, as defined in Title 12, section 6001, subsection 1, with the intent that the product be sold or otherwise disposed of to generate income. "Agricultural enterprise" does not include a business engaged primarily in the growing, harvesting or further processing of forest species of trees for the purpose of producing pulp or other materials used in the paper manufacturing or wood manufacturing process.

**Sec. 2. 10 MRSA §382, sub-§4**, as enacted by PL 1995, c. 699, §3, is amended to read:

**4. Qualifying small business.** "Qualifying small business" means a business employing ~~25~~ 50 or fewer employees or having gross sales not exceeding ~~\$2,000,000~~ \$5,000,000 within the most recent 12 months for which financial statements are available.

**Sec. 3. 10 MRSA §384, sub-§3**, as enacted by PL 1995, c. 699, §3, is amended to read:

**3. Terms.** The members other than the Commissioner of Economic and Community Development or the commissioner's designee serve for ~~one year~~ 2-year terms and may be reappointed for up to 3 consecutive terms. A member may serve for more than 3 2-year terms if the terms are not consecutive.

**Sec. 4. 10 MRSA §385, sub-§3**, as enacted by PL 1995, c. 699, §3, is amended to read:

**3. Ownership interests.** The board may ~~not~~ hold an ownership interest in a private enterprise ~~unless when~~ it is determined by the board that such an interest is necessary to recover amounts due to the fund and the agreement between the board and the private enterprise contains a specific plan for the board to divest itself of the ownership at some future time or desirable in order for the fund to obtain a reasonable return on its investment in the private enterprise.

**Sec. 5. 10 MRSA §386, sub-§3, ¶C**, as enacted by PL 1995, c. 699, §3, is repealed.

**Sec. 6. 10 MRSA §388, sub-§1**, as enacted by PL 1995, c. 699, §3, is amended to read:

**1. Disbursements.** Disbursements may not exceed ~~\$150,000~~ \$500,000 to a qualifying small business, including an affiliated entity. The Finance Authority of Maine shall report annually by December 20th of each year to the joint standing committee of the Legislature having jurisdiction over business and economic development matters on all disbursements made under this subsection.

**Sec. 7. 10 MRSA §388, sub-§§2 and 3**, as enacted by PL 1995, c. 699, §3, are repealed and the following enacted in their place:

**2. Provide evidence.** The qualifying small business shall provide evidence satisfactory to the board that the small business has obtained or will obtain, prior to the board's disbursement, matching funds in an amount at least equal to the board's investment in the form of debt or equity that is at risk in the small business.

**3. Agreement.** The board must enter into an agreement with the recipient of the disbursement setting forth the terms of repayment of the fund's investment in the recipient. This agreement may include such terms and conditions as the board determines will provide a reasonable return on its investment taking into consideration the risk of the investment. These terms and conditions may include one or more of the following: