

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

E. A corporation shall require collateral for loans when available, but may subordinate to loans from other lenders.

7. Eligible projects. In order for a project or borrower to be eligible for financial assistance under the program, the following criteria must be met.

A. The business for which funds are requested has 50 or fewer employees or annual sales of \$5,000,000 or less, and it consists of or involves at least one of the following:

(1) Advanced manufacturing technologies, such as value-added wood products and specialty fabricated metal and electronic products;

(2) Advanced information system technologies, such as telecommunications and environmental products and services;

(3) Advanced biological and natural resource technologies, such as aquaculture, agriculture and biotechnology;

(4) A business converting from defense dependency;

(5) A business significantly engaged in export of goods or services to locations outside the State;

(6) A business that dedicates significant resources to research and development activities; and

(7) Other businesses with 5 or fewer employees.

B. The borrower is unable to obtain funding needed for the project from other public and private sources, including the personal resources of the owners of the business borrowing from the fund.

C. The borrower has committed all reasonably available resources to the project, obtained financial commitment from other sources of financing and demonstrated a reasonable likelihood that the loan can be repaid.

D. The loan is not used to make distributions to or for the benefit of an owner of the business borrowing from the fund or a related entity.

8. Priorities. Among eligible applicants, a corporation shall give priority to businesses with the potential of meeting one or more of the following objectives.

A. The financing will help the business pursue a business that adds significant value to raw materials or inventory.

B. The financing is likely to result in a long-term net increase in permanent, quality jobs that meet a local or regional need or the retention of jobs in jeopardy of being lost.

9. Reports. A corporation shall report at least semiannually to the authority on the projects the corporation funds and the administration of the program. The report must include a description of each project, the amount, type and terms of assistance the project received, the number of jobs that were created or retained and other information the authority requires. The report must contain an accounting of the loan portfolio and any loans that are in default, as well as an accounting of the corporation's administrative and technical assistance expenses incurred and charged to the program.

10. Audit. The authority shall review annually each corporation's participation in the program and may, in its discretion, require an independent audit at the expense of the corporation. If the authority determines that a corporation has used funds for ineligible purposes, the corporation shall repay those funds to the authority for deposit into the fund. The authority may not disburse additional funds to a corporation until the corporation has repaid the misapplied funds and has fully complied with its obligations under the contract with the authority.

11. Written procedures. The authority shall adopt rules governing the program pursuant to Title 5, chapter 375.

Sec. C-2. Application; contingent on bond issue. This Part takes effect only if the bond issue submitted pursuant to Part A of this Act is approved by the voters of this State.

Effective pending referendum.

CHAPTER 723

H.P. 1204 - L.D. 1612

An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease

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

Sec. 1. 12 MRSA §6957 is enacted to read:

§6957. Fishing near floating equipment

1. Prohibition. A person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls to fish for or take finfish, shellfish, sea urchins or any other marine organisms within 500 feet of any suspended culture floating cages, tray racks or other floating equipment authorized in a lease issued by the commissioner under section 6072.

2. Penalty. A violation of this section is a Class D crime, except that, notwithstanding Title 17-A, section 1301, the minimum fine is \$500 and may not be suspended.

See title page for effective date.

CHAPTER 724

H.P. 1377 - L.D. 1864

An Act to Enable Parents to Retain Custody in Voluntary Placements

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

Sec. 1. 22 MRSA §4004-A is enacted to read:

§4004-A. Voluntary agreements

1. Agreement authorized. If the following conditions are met, the department and a custodian may enter into a mutual agreement in which the custodian retains custody of the child and the department agrees to provide services to the child.

A. The department finds that staying in the custodian's home would be detrimental to the welfare of the child.

B. The department finds that, absent a mutual agreement, the child is at risk of entering the child protection system or the juvenile justice system.

2. Agreement requirements. An agreement entered into pursuant to subsection 1 must meet the following requirements.

A. The agreement may not exceed 180 days unless, within the 180 days, the District Court has found that returning to the custodian's home would be detrimental to the welfare of the child. If the court has made that determination, the agreement may continue but must be reviewed by the court no more than 18 months after com-

mencement of the agreement and at least every 2 years following the 18-month review.

B. The agreement must specify the legal status of the child and the rights and obligations of the custodian, the child, the department and any other parties to the agreement.

C. If the custodian is able to contribute resources to the care of the child, that contribution must be specified in the agreement. Resources include, but are not limited to, insurance coverage and disposable income.

D. The agreement must be approved by the commissioner or the commissioner's designee.

3. Additional parties. The Department of Corrections, the Department of Mental Health and Mental Retardation, the Department of Education, the Office of Substance Abuse and any other appropriate state agency may be additional parties to the agreement.

4. Section 4022 not affected. This section does not apply to agreements entered into under section 4022.

5. Rules. The department may adopt rules to implement this section.

See title page for effective date.

CHAPTER 725

S.P. 552 - L.D. 1576

An Act to Make Modifications to Economic Development Activities

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

Whereas, the Maine Economic Growth Council is unable to meet the January 1, 1994 deadline for its initial report; and

Whereas, certain technical changes are necessary to provide clarification of sunset provisions; 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: