

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

notice of each of the agreements is made in a timely fashion to the Governor.

B. Annually, the Department of Environmental Protection and the bank shall notify the Governor of the amount of the fund created under section 6006-A anticipated to be available for the next fiscal year.

B-1. Annually, the Department of Human Services and the bank shall notify the Governor of the amount of the fund created under section 6006-B anticipated to be available for the next fiscal year.

C. The bank is designated by the State as the instrumentality empowered to:

(1) Administer the revolving loan funds, in conjunction with the Department of Environmental Protection and the Department of Human Services;

(2) Accept capitalization grants or other deposits of funds from the Federal Government or any other source made under the Federal Water Pollution Control Act, Title VI or the ~~Federal~~ federal Safe Drinking Water Act; and

(3) Manage the revolving loan funds in accordance with applicable federal and state laws, rules and regulations.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 12, 1997.

CHAPTER 556

S.P. 637 - L.D. 1854

An Act to Establish the Maine Economic Improvement Fund

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

Sec. 1. 5 MRSA §1513, sub-§1, as amended by PL 1991, c. 589, §2, is further amended to read:

1. Maine Rainy Day Fund. The State Controller shall at the close of each fiscal year transfer from the unappropriated surplus of the General Fund to the Maine Rainy Day Fund ~~1/2~~ 40% of the excess of total General Fund revenues received over accepted estimates in that fiscal year. No accepted revenue estimate may be increased after adjournment of each First Regular Session of the Legislature except as

provided. For the first year of the biennium, revenue estimates for the 2nd year of the biennium may be adjusted once during the Second Regular Session of the Legislature. Accepted revenue estimates may be increased for other fiscal periods only if an amount not to exceed ~~1/2~~ 40% of the increase is appropriated to the Rainy Day Fund at the same time. The fund may not exceed 4% of the total General Fund revenues received in the immediately preceding fiscal year and may not lapse, but remain in a continuing carrying account to carry out the purposes of this section. No reduction in the fund is necessary in the event the total General Fund revenues received in the immediately preceding fiscal year are less than the total General Fund revenues received in the fiscal year 2 years previous and if the fund is at its 4% limit.

Sec. 2. 5 MRSA §1517, as enacted by PL 1995, c. 464, §4, is amended to read:

§1517. Transfer to Retirement Allowance Fund

At the close of each fiscal year, the State Controller shall transfer from the unappropriated surplus of the General Fund to the Retirement Allowance Fund established in section 17251 an amount equal to ~~1/2 of the balance remaining after all other required transfers from the excess of total General Fund revenues received over accepted estimates in that fiscal year and all required deductions of appropriations, financial commitments, designated funds, transfers from the unappropriated surplus of the General Fund or transfers from the available balance remaining in the General Fund have been made~~ 20% of the excess of total General Fund revenues received over accepted estimates in that fiscal year.

General Fund revenue estimates may be made once during the First Regular Session of the Legislature and adjustments to these accepted revenue estimates may be made once during the Second Regular Session of the Legislature without mandatory transfer of funds to the Retirement Allowance Fund. If adjustments are made to those initial estimates presented to each regular session of the Legislature, an amount not to exceed ~~1/2~~ 20% of the excess of the estimated revenue over the amounts required by law to be set aside for other purposes must be appropriated to the Retirement Allowance Fund.

Sec. 3. 10 MRSA c. 107-C is enacted to read:

CHAPTER 107-C

MAINE ECONOMIC IMPROVEMENT FUND

§946. Establishment

The Maine Economic Improvement Fund is established to administer investments in targeted

research and development and product innovation and to provide the basic investment necessary to obtain matching funds and competitive grants from private and federal sources.

§947. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Fund. "Fund" means the Maine Economic Improvement Fund.

2. Research and development. "Research and development" means applied scientific research and related commercial development conducted by the University of Maine System, its member institutions and its employees and students in the target areas.

3. Target areas. "Target areas" mean the following economic sectors for which applied research and development is considered most likely to produce significant benefits to the people and economy of the State:

- A. Aquaculture and marine sciences and technology;
- B. Biotechnology;
- C. Composite materials engineering;
- D. Environmental sciences and technology; and
- E. Information sciences and technology.

§948. Administration of fund

The Board of Trustees of the University of Maine System shall administer the fund. The board may utilize the assets of the fund to carry out and effectuate the purposes, duties and responsibilities of this chapter, including, but not limited to:

A. Taking actions in partnership with private enterprise, the Federal Government and private and public research institutions to:

- (1) Invest in applied research and development in the target areas within the University of Maine System; and
- (2) Support the development of private enterprise based upon research and development performed within the University of Maine System;

B. Receiving money from any public or private source to augment state contributions to the fund;

C. Approving an annual budget for the fund and investing and expending money from within the fund;

D. Contracting with public entities as necessary to further the directives of this section;

E. Carrying forward any unexpended state appropriations into succeeding fiscal years;

F. Providing an annual report to the Governor and the Legislature by January 1st of each regular session of the Legislature setting forth:

- (1) The operations and accomplishments of the fund during the fiscal year; and
- (2) The assets and liabilities of the fund at the end of its most recent fiscal year; and

G. Protecting all intellectual property in accordance with the "University of Maine System Statement of Policy Governing Patents and Copyrights," including, but not limited to, proprietary information contained in proposals, grants, contracts or other legal agreements. Publication of information may be reasonably delayed until appropriate measures have been taken to protect the intellectual property.

Sec. 4. Maine Economic Improvement Task Force established.

1. Establishment. The Maine Economic Improvement Task Force, referred to in this Act as the "task force," is established. The task force shall review and summarize the current policies and programs within the State in support of applied research and development in the following target areas:

- A. Aquaculture and marine sciences and technology;
- B. Biotechnology;
- C. Composite materials engineering;
- D. Environmental sciences and technology; and
- E. Information sciences and technology.

The task force shall create a plan to coordinate and maximize these policies and programs throughout the State.

2. Membership. The task force consists of 9 members, appointed as follows:

- A. Two members from the University of Maine System, appointed by the Chancellor of the University of Maine System;

B. One member from the Maine Technical College System, appointed by the President of the Maine Technical College System;

C. One member from the Maine Maritime Academy, appointed by the President of the Maine Maritime Academy;

D. One member from the Maine Science and Technology Foundation, appointed by the President of the Maine Science and Technology Foundation;

E. Two members from the Department of Economic and Community Development, the Department of Marine Resources or the State Planning Office, appointed by the Governor;

F. One member appointed by the President of the Senate; and

G. One member appointed by the Speaker of the House of Representatives.

3. Appointments. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the task force no later than November 1, 1997. The task force shall select a chair from among its members.

4. Duties. The task force shall review and summarize the current policies and programs in support of research and development within the State. The task force also shall review the policies and programs that are employed by other states. The task force shall create a plan to coordinate and maximize these policies and programs throughout the State.

5. Staff assistance. The task force shall request staffing and clerical assistance from the Maine Science and Technology Foundation, which must be provided within available resources.

6. Compensation. The legislative members of the task force are entitled to legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the task force. Other members are not entitled to compensation.

7. Report. The task force shall submit its findings and plan to the Second Regular Session of the 118th Legislature by January 1, 1998. If the task force requires an extension of time to make its report it may

apply to the Legislative Council, which may grant the extension.

See title page for effective date.

CHAPTER 557

H.P. 1350 - L.D. 1897

An Act Concerning Tax Relief

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

Whereas, changes affecting the Maine Residents Property Tax Program need to go into effect prior to 90 days after adjournment; and

Whereas, changes to certain sales tax and income tax provisions need to be implemented with specific effective dates, some of which occur prior to 90 days after adjournment; and

Whereas, there is a need to continue the study of tax relief and tax reform measures beginning as soon as possible after adjournment; 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:

PART A

Sec. A-1. 36 MRSA §6201, sub-§12, as enacted by PL 1987, c. 516, §§3 and 6, is amended to read:

12. Year for which relief is requested. "Year for which relief is requested" means the calendar year preceding that in which the claim is filed. For a claim filed in January of any year, "year for which relief is requested" means the calendar year 2 years preceding that in which the claim is filed.

Sec. A-2. 36 MRSA §6204, as amended by PL 1989, c. 534, Pt. A, §5, is further amended to read:

§6204. Filing date

~~No~~ A claim may not be paid unless the claim is filed with the Bureau of Taxation on or after ~~August~~ October 1st and on or before the following ~~December~~ January 31st.