

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

The commission is authorized to meet following the conclusion of the Second Regular Session of the 119th Legislature to continue its work. The commission shall end its work by November 15, 2000. The commission shall submit its 2nd report, together with any necessary implementing legislation, to the First Regular Session of the 120th Legislature.

If the commission requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 4. Report on use of credit cards. The Department of Administrative and Financial Services, Bureau of Revenue Services and the Department of Professional and Financial Regulation shall each submit a report detailing the impact of the acceptance of payments by credit cards on each agency's budget. Each report must include the total number of agency transactions that included the use of credit cards, the dollar amount attributable to credit card transactions and the cost savings or loss to the agency. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 20, 2001.

Sec. 5. Effective date. Section 1 of this Act takes effect on July 1, 2001.

Sec. 6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Blue Ribbon Commission to Establish a Comprehensive Internet Policy

Personal Services	\$1,375
All Other	1,750
TOTAL	\$3,125

Provides funds for the per diem and expenses of legislative members of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy and to print the required report.

See title page for effective date, unless otherwise indicated.

CHAPTER 763

S.P. 736 - L.D. 2086

An Act to Preserve the State's Farm Economy and Heritage

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

Sec. 1. 7 MRSA c. 10-B is enacted to read:

CHAPTER 10-B

MAINE FARMS FOR THE FUTURE PROGRAM

§317. Maine Farms for the Future Program

The Maine Farms for the Future Program, referred to in this chapter as the "program," is created. The program is administered by the department, either directly or by contract with a suitable organization. The program provides a selected farm with assistance in developing a detailed business plan that involves changes in the farm's operation to increase the vitality of the farm and investment money to help implement the plan. The department shall organize a review panel, referred to in this chapter as the "panel," to evaluate and approve applications for participation in the program and for investment support.

§318. Business plan development

1. Eligibility. An applicant must own at least 5 acres of land in agricultural use and must submit an application to the department to be eligible for participation in the program pursuant to procedures developed by the department.

2. Criteria for selection. The panel shall evaluate and approve applications that are based upon criteria developed by the department, including:

A. The degree of opportunity for increasing the vitality of the farm due to factors such as the capability of the applicant to effect positive changes in farm operations and the suitability of the land in agricultural use to sustain those changes; and

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant and development pressures in the area where the farm is located.

3. Services package; reimbursement. Once an applicant is selected to participate in the program, the department shall assist the selected farm in assembling a services package to develop the business

plan within one year of the selection. These services may include:

A. Outside financial experts to provide services such as analyzing markets or developing financial data; and

B. Instruction or classroom training in economics and business planning for the owner or operator of the farm.

A services package must be approved by the department before it is implemented. The department shall pay for outside services contracted as part of an approved services package. The department may not pay more than \$10,000 for outside services contracted as part of the services package to a selected farm. Payment of more than \$5,000 requires the approval of the commissioner. The department shall keep an accounting of the services provided to a selected farm as part of the services package.

4. First farmland protection agreement. A selected farm must enter into a first 5-year farmland protection agreement with the department before the department provides direct services or reimburses the farm for outside services. The agreement must provide that the farm will protect the land in agricultural use from nonagricultural development for the period of the agreement. A selected farm may terminate a first farmland protection agreement at any time if the farm repays the department for any direct services or reimbursement for outside services that the department has provided that farm pursuant to this section.

5. Business plan requirements. A selected farm must use a services package to develop a business plan that identifies changes in farm management practices and investments in equipment and property that would increase the vitality of the farm.

§319. Investment support

1. Eligibility. A selected farm that has completed a business plan pursuant to section 318 is eligible to apply for funding to implement the plan.

2. Award of funds. The panel shall develop a competitive process to determine the farms that receive funds to implement a business plan. This determination must be based upon selection criteria developed by the department including:

A. The viability of the business plan;

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant and development

pressures in the area where the farm is located; and

C. The degree to which the business plan would accomplish broader objectives such as the protection of water resources, wildlife habitat, open space and scenic and cultural amenities.

3. Uses and limitations of funding. Any funds provided by the department pursuant to this section must be used to implement the business plan either in the plan's original form or in a subsequent amended version that has been approved by the department. The department may provide a selected farm with funds to implement the business plan in an amount not to exceed the lesser of \$25,000 or 25% of the total investments identified by the business plan.

4. Second farmland protection agreement. A selected farm must enter into a 2nd 5-year farmland protection agreement with the department before the department provides investment support pursuant to this section. The agreement must provide that the farm will protect the land in agricultural use from nonagricultural development for the period of the agreement. The 5-year term of the 2nd farmland protection agreement must run consecutively with a first farmland protection agreement entered into by the selected farm pursuant to section 318. A selected farm may terminate a 2nd farmland protection agreement at any time if the farm repays the department for any funds provided to the farm by the department pursuant to this section.

§320. Program administration

1. Duties. The department shall ensure that the following duties are performed:

A. Promoting the program to farms in the State;

B. Organizing and overseeing the panel;

C. Developing criteria to select participants for the program and recipients of investment support;

D. Compiling a list of outside service providers;

E. Administering the disbursement of investment support;

F. Executing and enforcing first and 2nd farmland protection agreements; and

G. Evaluating and reporting annually by March 15th to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the impact and effectiveness of the program.

2. Outside service providers. The department shall develop, maintain and periodically update a list of outside service providers who may provide services pursuant to section 318 by widely circulating an application to qualifying entities. The application must request information including qualifications of the entity in any area that may be of use in developing a farm viability business plan. "Qualifying entities" means individuals, private organizations, public organizations and agencies of the State, marketing consultants, accounting firms, business support organizations, farm support organizations and other organizations that the department determines may provide valuable services pursuant to section 318. A selected farm may use an outside service provider identified on the list of service providers or another outside service provider that has been approved by the department.

3. Administration by other than department. The department shall contract the administration of this program to a suitable organization selected through a competitive process developed by the department. The organization selected must provide a match of a minimum of \$200,000 nonstate funds. The contracting organization is responsible for performing all duties set forth in subsection 1, except that it is solely the department's responsibility to perform the duty set forth in subsection 1, paragraph F.

4. Funding. The contracting organization may not expend more than 15% of the total state funding per year or \$125,000 over the life of the program for this program on administration costs and shall reserve at least 40% of the total state funding for this program for investment support pursuant to section 319. Funds appropriated to the program may not lapse but must be carried forward.

5. Rulemaking. The commissioner shall adopt rules to carry out the purposes of this chapter. All rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**AGRICULTURE, FOOD AND
RURAL RESOURCES,
DEPARTMENT OF**

**Maine Farms for the Future
Program**

All Other \$200,000

Provides one-time funds to reimburse farms for outside services to develop business plans and for investment support to implement the plans through the Maine Farms for the Future Program. Any balance remaining at the end of the fiscal year may not lapse but must be carried forward to be used for the same purpose.

See title page for effective date.

CHAPTER 764

H.P. 471 - L.D. 678

**An Act to Require Completion of an
Ambulance Operator Course**

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

Sec. 1. 32 MRSA §85, sub-§6 is enacted to read:

6. Ambulance operator course. By January 1, 2003, a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient. This requirement applies to all paid and volunteer ambulance operators and transporters. This requirement is in addition to vehicle operator requirements of Title 29-A or other law. A person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course or a course that has been approved by the board as an equivalent may apply to the board for reimbursement for the cost of the course.

Sec. 2. Pilot project. The Department of Public Safety, Maine Emergency Medical Services shall conduct a pilot project to provide training for ambulance operators required under this Act and explore alternative funding sources for that training. Maine Emergency Medical Services shall hire a consultant through a competitive bidding process to set up, conduct and report on the results of the pilot project. Maine Emergency Medical Services shall report on the results of the pilot project to the joint standing committee of the Legislature having jurisdiction over public safety matters by January 1, 2001.