

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

7. Procurement disputes. The request for proposals must provide for resolution of disputes that may arise before award of the contract by including a dispute review board procedure in accordance with the department's standard specifications and a provision that provides that the procurement process must be suspended pending final resolution of such disputes. This subsection does not prevent an aggrieved party from seeking judicial review.

See title page for effective date.

CHAPTER 141

H.P. 714 - L.D. 929

An Act to Amend the Supervised Community Confinement Law

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

Sec. 1. 34-A MRSA §3036-A, sub-§2, ¶B, as enacted by PL 1991, c. 845, §4, is amended to read:

B. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of a split sentence, at least 2/3 of the unsuspended portion, after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is more than 5 years. A prisoner may not be transferred to supervised community confinement until the prisoner has served at least 1/2 of the term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the unsuspended portion after consideration of any deductions that the prisoner has received and retained under Title 17-A, section 1253 if the term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5 years or less.

Sec. 2. 34-A MRSA §3036-A, sub-§10 is enacted to read:

10. Terminally ill prisoner. With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care outside the correctional facility for the remainder of the prisoner's illness is medically necessary. The prisoner shall live in a hospital or other appropriate care facility, such as a nursing facility or residential care facility, approved

by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter I. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable.

See title page for effective date.

CHAPTER 142

S.P. 515 - L.D. 1634

An Act to Amend the Laws Pertaining to the Maine Small Business Commission

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

Sec. 1. 5 MRSA §13032, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is amended to read:

§13032. Maine Small Business Commission established

The Maine Small Business Commission is established as an independent commission within the department to evaluate and coordinate small business and entrepreneurial programs, contract with the administrative unit and exercise other powers and responsibilities as provided in this chapter.

Sec. 2. 5 MRSA §13033, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is amended to read:

§13033. Membership

The commission consists of ~~3~~ 7 members: the ~~State Auditor, the~~ Chief Executive Officer of the Finance Authority of Maine ~~and~~; the Commissioner of Economic and Community Development; ~~the District Director of the United States Small Business Administration's Maine District Office;~~ and a designee from the administrative unit and 3 public members with expertise and knowledge in small business and entrepreneurship, appointed by the commissioner.

Sec. 3. 5 MRSA §13034, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is amended to read:

§13034. Powers of commission

The commission has the power to:

1. Negotiate and approve contract. Negotiate, approve and enforce the contract with the administrative unit by which state funds are provided by the administrative unit to the small business development

centers throughout the State. Approval of the contract requires the approval of at least 2 4 members of the commission;

2. Evaluate small business programs. Evaluate ~~the~~ and make recommendations to coordinate small business and entrepreneurial programs statewide, including those administered or overseen by the department;

3. Issue reports and recommendations. Issue reports and recommendations to the commissioner, the Governor and the Legislature in regard to programs that support or promote small business assistance programs and entrepreneurship; and

4. Hire professional staff. Hire professional staff who are not subject to the Civil Service Law and who serve at the pleasure of the commission.

A. Funding of professional staff must be provided by the department from resources made available to the Office of Business Development for personal services.

B. The department shall provide clerical support as required by the commission.

Sec. 4. 5 MRSA §13035, first ¶, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is amended to read:

The commission is responsible for overseeing the Small Business Development Center Program, enforcing the contract between the ~~Finance Authority of Maine~~ department and the administrative unit, ~~and providing funds to the program, and advising the commissioner on strengthening the support infrastructure for entrepreneurship in the State.~~ The commission has the following duties.

Sec. 5. 5 MRSA §13035, sub-§§2 and 3, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, are amended to read:

2. Review, evaluate and make recommendations to coordinate programs. The commission shall review ~~and~~ evaluate ~~the~~ and make recommendations to coordinate small business assistance and entrepreneurial programs ~~of the department as provided in section 13058, subsection 5 statewide.~~ The commission shall issue a report that meets the standards defined in section 13058, subsection 5. The commission shall advise the commissioner to help develop and implement statewide strategies and policies as they relate to encouraging economic development by developing and growing entrepreneurial businesses around the State.

3. Advise and make recommendations. The commission shall advise the commissioner, the

Governor and the Legislature with respect to the results of its evaluation of small business and entrepreneurial programs and its oversight and enforcement of the contract with the administrative unit.

See title page for effective date.

CHAPTER 143

H.P. 206 - L.D. 241

An Act to Change the Fiscal Year of Sagadahoc County

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §883, sub-§2, ¶A, as enacted by PL 1991, c. 513, is amended to read:

A. Before ~~September~~ February 15th of every year, the county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of electing the membership of the county budget advisory committee. Whenever a public member of the budget advisory committee will be elected, the county commissioners must issue a public notice of that fact that includes the date, time and place of the caucus. The county commissioner shall serve as nonvoting moderator for that commissioner's district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member and serves a term of 3 years, except as provided in paragraph B.

Sec. 2. 30-A MRSA §884, as enacted by PL 1991, c. 513, is amended to read:

§884. Budget estimate; submission to advisory committee

The Sagadahoc County commissioners shall submit a budget estimate to the advisory committee no later than ~~October~~ April 1st for the coming fiscal year. The advisory committee shall review the budget estimate, hold a public hearing on the budget estimate and make recommendations to the commissioners