

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

harvested lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997, or from a replacement vessel; or

D. An individual, partnership, corporation or other entity documents to the commissioner by December 31, 2000 that that individual or partnership, corporation or other entity rented, leased or otherwise made available that vessel to the holder of a Class I, Class II or Class III lobster and crab fishing license during the qualifying period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or taking lobsters. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel; or

Sec. 2. 12 MRSA §6431-E, sub-§3, ¶E is enacted to read:

E. The person is licensed by the United States Coast Guard to operate a passenger-carrying vessel in coastal waters. The vessel must be inspected by the United States Coast Guard and documented and licensed by the United States Coast Guard to carry passengers. By June 30, 2001, the owner of the vessel shall document to the commissioner that the vessel was utilized to fish for or take lobsters with paying passengers on board during the qualifying period in each of calendar years 1995, 1996 and 1997. The owner of the vessel shall notify the commissioner in writing on an annual basis, prior to the vessel being utilized to fish for or take lobsters, of the name and lobster license number of any person who will be using the vessel to fish for lobster during that calendar year. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel. No more than 40 lobster traps may be fished from that vessel.

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

Effective May 16, 2001.

CHAPTER 196

S.P. 552 - L.D. 1710

An Act to Clarify the Maine Biomedical Research Program

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

Sec. 1. 5 MRSA §12004-G, sub-§4-B is enacted to read:

<u>4-B.</u>	<u>Maine</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Biomedical</u>	<u>Biomedical</u>	<u>Only</u>	<u>§13104</u>
<u>Research</u>	<u>Research</u>		
	<u>Board</u>		

Sec. 2. 5 MRSA §13103, sub-§1, ¶A-1 is enacted to read:

A-1. "Academic medical center" is a Maine-based nonprofit clinical, educational and research organization with a critical number of hospital beds, with multiple and independent residency and fellowship programs, with a significant number of residents and fellows and that is affiliated with but independent of a medical school.

Sec. 3. 5 MRSA §13103, sub-§1, ¶B, as enacted by PL 1999, c. 731, Pt. SSS, §1, is repealed and the following enacted in its place:

B. "Eligible institution" means a Maine-based private nonprofit biomedical research institution or academic medical center or medical school that, as of July 1, 2001:

(1) Performs competitive biomedical research in on-site, wetbench biomedical research laboratories in the State, as evidenced by publications in recognized peer review journals; and

(2) Receives or expends funds in the State from federal agencies or specified grant sources for the purpose of producing peer-reviewed biomedical research in on-site, wetbench biomedical research laboratories.

For purposes of this paragraph, "wetbench" has the meaning generally ascribed to that term by the biomedical research community and refers to laboratories that use solutions or cell extracts and biological reagents.

Sec. 4. 5 MRSA §13103, sub-§1, ¶¶E, F and G are enacted to read:

E. "Private nonprofit biomedical research institution" means a Maine-based institution that is a nonprofit organization described in 26 United States Code, Section 501(c)(3); with a primary purpose of biomedical research; with research laboratories on site; with scientific doctoral degrees who are principal investigators on biomedical research grants expended in the State through that institution and who have published a

significant number of publications in Index Medicus journals in each of the past 3 years; and with a significant level of research activity funded by specified grant sources.

F. "Specified grant sources" means a federal agency, a nonprofit foundation, private company or corporation, a voluntary membership organization such as the American Cancer Society, or an out-of-state educational university, that, as of July 1, 2001, issues grants or contracts for the purpose of producing peer-reviewed biomedical research when the grantee retains complete editorial control over the content of the research performed.

G. "Medical school" means a state-based private nonprofit medical school that, as of July 1, 2001, is authorized to grant a doctorate degree in osteopathic or allopathic medicine and is accredited by the American Osteopathic Association or its successor or the Liaison Committee on Medical Education or its successor.

Sec. 5. 5 MRSA §13103, sub-§2, as enacted by PL 1999, c. 731, Pt. SSS, §1, is amended to read:

2. Program established. The Maine Biomedical Research Program is established to promote economic development and jobs in the State primarily by making state investments in organizations with successful results in attracting biomedical research funds from specified grant sources. As a secondary purpose, the Maine Biomedical Research Program is intended to provide incentives for small eligible institutions to grow. The program shall disburse program funds from the Maine Biomedical Research Fund to eligible institutions pursuant to this section. The department Maine Biomedical Research Board shall administer the program. The department Maine Biomedical Research Board shall:

- A. Develop and modify detailed program guidelines consistent with this section in consultation as needed with members of the biomedical community;
- B. Review and if necessary verify applications for funds from eligible institutions;
- C. Determine whether the institution is an eligible institution;
- D. Verify that the proposed use of program funds is consistent with subsection 4;
- E. Determine the allocation that each eligible institution will receive in a given biennium;
- F. Advertise the availability of funds each biennium; and

G. Submit each biennium a summary report to the Governor and the Legislature that compiles information reported to the ~~department~~ Maine Biomedical Research Board as required by subsection 8 by all the institutions that receive program funding.

Sec. 6. 5 MRSA §13103, sub-§4, as enacted by PL 1999, c. 731, Pt. SSS, §1, is amended to read:

4. Use of funds. Program funds are ~~intended~~ to support biomedical research in this State, with priority given to research and research technologies with the potential to affect diseases, and biomedical mechanisms ~~or conditions that are either caused by or related to tobacco use, such as, but not limited to, cancer, heart disease, diabetes, asthma, emphysema and stroke.~~ An eligible institution receiving program funds under this section may use those funds for any of the following purposes:

- A. Project funding;
- B. Facilities funding, including debt service;
- C. Equipment used in research, including debt service; or
- D. Ancillary support.

An eligible institution that receives funds under this section may charge overhead expenses consistent with federal research granting criteria. The institution may utilize up to 2% of the program funds it receives to evaluate the impact of the research it is conducting. An institution is not obligated to expend program funds during the period in which those funds are received, but may carry over funding for up to 5 years.

Sec. 7. 5 MRSA §13103, sub-§5, ¶D, as enacted by PL 1999, c. 731, Pt. SSS, §1, is amended to read:

D. A breakdown and explanation of all funding from ~~federal agencies and private foundations~~ specified grant sources for biomedical research, listing each specific source of funding and its use; and

Sec. 8. 5 MRSA §13103, sub-§6, as enacted by PL 1999, c. 731, Pt. SSS, §1, is repealed and the following enacted in its place:

6. Allocation of funds to eligible institutions. The Maine Biomedical Research Board shall allocate funds from the fund to eligible institutions biannually, based on a formula to be developed by the board. The formula must be designed both to provide an ongoing incentive to leverage outside funding and to facilitate the growth of smaller institutions.

A. The formula must link the amount of the program funds to be received by an eligible institution to the total amount of funding that the institution has received or expended from specific grant sources during the previous 2 calendar years for the purpose of producing peer-reviewed biomedical research in on-site biomedical research laboratories in the State. An institution receiving more funding from federal agencies and specified grant sources must receive more program funds under the formula.

B. The formula must be weighted to provide smaller eligible institutions with an incentive to grow.

Sec. 9. 5 MRSA §13104 is enacted to read:

§13104. Maine Biomedical Research Board

1. Board established. The Maine Biomedical Research Board, referred to in this section as the "board," is established pursuant to section 12004-G, subsection 4-B to administer the Maine Biomedical Research Fund and the Maine Biomedical Research Program as provided in section 13103.

2. Board membership. The board consists of 7 members appointed as follows:

A. Four persons, appointed by the Governor and nominated by a statewide biomedical research coalition;

B. Two members, appointed by the Governor, who are distinguished and credentialed in the type of biomedical research that is performed by eligible institutions defined in section 13103, subsection 1; and

C. The commissioner or the commissioner's designee.

3. Initial appointment; terms. Members of the board appointed by the Governor are appointed for 3-year terms, except for the initial terms of appointment, which are as follows: Two members appointed for one year; 2 members appointed for 2 years; and 2 members appointed for 3 years. Members who serve on the board by virtue of their office serve terms coincident with their terms in office.

4. Powers and duties of board. The board has the following powers and duties:

A. To perform all duties and take such actions pursuant to section 13103 as necessary to administer the Maine Biomedical Research Program;

B. To contract with the Maine Technology Institute for such assistance in fulfilling the board's duties as the board may require; and

C. To approve a budget for administration of the Maine Biomedical Research Program.

Sec. 10. 5 MRSA §15303, sub-§6-B is enacted to read:

6-B. Maine Biomedical Research Board. The institute shall contract with the Maine Biomedical Research Board as established in section 12004-G, subsection 4-B to provide assistance in fulfilling the board's duties as the board may require.

See title page for effective date.

CHAPTER 197

H.P. 1191 - L.D. 1614

**An Act to Implement the
Recommendations of the Secretary of
State and the Maine State Police
Regarding Low-speed Vehicles**

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

Sec. 1. 29-A MRSA §101, sub-§25-A is enacted to read:

25-A. Golf cart. "Golf cart" means a motor vehicle that is originally designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. A golf cart does not include an ATV as defined in Title 12, section 7851.

Sec. 2. 29-A MRSA §101, sub-§41-B is enacted to read:

41-B. Motorized scooter. "Motorized scooter" means a scooter that is powered by a motor having a maximum piston displacement of less than 25 cubic centimeters or an electric driven motor and is capable of a maximum speed of no more than 25 miles per hour on a flat surface.

Sec. 3. 29-A MRSA §101, sub-§64-A is enacted to read:

64-A. Scooter. "Scooter" means a device upon which a person may ride consisting of a footboard between 2 end wheels, controlled by an upright steering handle attached to the front wheel and propelled by human power or a motor.