

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

pursuant to subsections 2 and 2-A in an aggregate amount not to exceed \$2,000,000 up to and including calendar year 1996, \$3,000,000 up to and including calendar year 1997, \$5,500,000 up to and including calendar year 1998, \$8,000,000 up to and including calendar year 2001, ~~\$10,000,000~~ \$11,000,000 up to and including calendar year 2002, ~~\$11,000,000~~ \$14,000,000 up to and including calendar year 2003 and ~~\$12,000,000~~ \$17,000,000 up to and including calendar year 2004, \$20,000,000 up to and including calendar year 2005, \$23,000,000 up to and including calendar year 2006, \$26,000,000 up to and including calendar year 2007 and \$30,000,000 thereafter. The authority may provide that investors eligible for a tax credit under this section in a year when there is insufficient credit available are entitled to take the credit when it becomes available.

Sec. 10. 10 MRSA §1100-T, sub-§6 is enacted to read:

6. Reports. Any business eligible to have investors receive a tax credit under this section must report to the authority, in a manner to be determined by the authority, the following information regarding its activities in the State over the calendar year in which the investment occurred:

A. The total amount of private investment received;

B. The total number of persons employed as of December 31st;

C. The total numbers of jobs created and retained;

D. Total annual payroll; and

E. Total sales revenue.

Sec. 11. 36 MRSA §5216-B, sub-§2, as amended by PL 2001, c. 446, §4 and affected by §6, is further amended to read:

2. Credit. An investor is entitled to a credit against the tax otherwise due under this Part equal to the amount of the tax credit certificate issued by the Finance Authority of Maine in accordance with Title 10, section 1100-T and as limited by this section. In the case of partnerships, limited liability companies, S corporations, nontaxable trusts and any other entities that are treated as flow-through entities for tax purposes under the Code, the individual partners, members, stockholders, beneficiaries or equity owners of such entities must be treated as the investors under this section and are allowed a credit against the tax otherwise due from them under this Part in proportion to their respective interests in those partnerships, limited liability companies, S corporations, trusts or other flow-through entities. Except as limited or

authorized by subsection 3 or 4, ~~15%~~ 25% of the credit must be taken in the taxable year the investment is made and ~~15%~~ 25% per year must be taken in each of the next ~~5~~ 3 taxable years ~~and 10% taken in the next taxable year.~~

Sec. 12. Application. This Act applies to tax credit certificates issued on or after July 1, 2002 for investments made on or after July 1, 2002.

See title page for effective date.

CHAPTER 643

H.P. 1505 - L.D. 2008

An Act to Create the Office of Maine-Canada Trade Ombudsman

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

Sec. 1. 5 MRSA c. 12-A is enacted to read:

CHAPTER 12-A

MAINE-CANADA TRADE OMBUDSMAN

§261. Office created

The Office of the Maine-Canada Trade Ombudsman is established within the Executive Department and is autonomous from any other state agency.

§262. Appointment; term; compensation

The Governor shall appoint an ombudsman to head the Office of the Maine-Canada Trade Ombudsman, who is referred to in this chapter as the "ombudsman," subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate. The ombudsman must be chosen without reference to party affiliation and solely on the ground of professional competence to perform the duties of that office. The ombudsman appointed in 2003 holds office until January 1, 2005. Thereafter, the ombudsman holds office for a term of 4 years. An ombudsman may be reappointed. The compensation of the ombudsman is fixed by the Governor.

§263. Duties

The ombudsman has, upon consent of the Governor, the duties and powers established under the following provisions governing trade between businesses in this State and individuals, businesses and governmental entities in Canada.

1. Administration. The ombudsman shall administer the Office of the Maine-Canada Trade

Ombudsman. In exercising the administration of the office, the ombudsman shall formulate policies, establish organizational and operational procedures and exercise general supervision. The ombudsman shall employ, with the approval of the Governor and subject to the Civil Service Law, those assistants as are necessary to carry out this chapter. The ombudsman shall adopt a seal for use in the official business of the office. The ombudsman has custody and control of the facilities provided for the administration of this chapter.

2. Advice. The ombudsman shall advise the Governor, the Legislature and the directors of other appropriate state departments or agencies on appropriate steps needed to coordinate state policy and state actions on commerce and other relations with individuals, businesses and governmental entities in Canada.

3. Representation. The ombudsman shall represent the State at the national level for trade matters between the United States and Canada that involve the State.

4. Investigation; resolution of complaints; negotiation. The ombudsman shall answer inquiries from citizens and businesses in this State and investigate, advise and work toward resolution of complaints that arise concerning trade issues. The ombudsman may negotiate on behalf of businesses in this State, with their consent, with individuals, businesses and governmental entities of Canada to secure fair trade treatment of products and services of this State.

5. Biennial report. The ombudsman shall report biennially to the Governor and Legislature facts and recommendations related to the work and needs of the Office of the Maine-Canada Trade Ombudsman.

6. Rules. The ombudsman may adopt rules necessary to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter II-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Administration - Executive Governor's Office

Initiative: Provides for the creation of the Office of the Maine-Canada Trade Ombudsman.

General Fund	2001-02	2002-03
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$28,687
All Other	0	6,500
General Fund Total	\$0	\$35,187

Sec. 3. Effective date. This Act takes effect January 1, 2003.

Effective January 1, 2003.

CHAPTER 644

H.P. 1474 - L.D. 1975

An Act Concerning Student Threats

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. 20-A MRSA §1001, sub-§15, ¶F, as enacted by PL 1999, c. 351, §2, is amended to read:

F. Establish policies and procedures concerning the removal of disruptive or violent students or students threatening death or bodily harm to others from a classroom or a school bus, as well as student disciplinary and placement decisions, when appropriate; and

See title page for effective date.

CHAPTER 645

H.P. 1523 - L.D. 2027

An Act Regarding Child Care Facility Laws

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

Sec. 1. 17 MRSA §2871, sub-§1, as amended by PL 1997, c. 494, §1 and affected by §15, is further amended to read:

1. Day care center. "Day care center" means a ~~day child care center facility~~, as defined in Title 22, section 8301-A, subsection ~~1-A~~, paragraph ~~A~~ **B**.

Sec. 2. 22 MRSA §7701, sub-§2, as amended by PL 1997, c. 494, §5 and affected by §15, is further amended to read:

2. Facility. As used in this subtitle, the word "facility" means any of the places defined in section