

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

D. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of a compacting state, the obligation, duty, power or jurisdiction sought to be conferred by that provision upon the commission is ineffective as to that compacting state, and that obligation, duty, power or jurisdiction remains in the compacting state and must be exercised by the agency thereof to which that obligation, duty, power or jurisdiction is delegated by law in effect at the time this compact becomes effective.

Sec. 2. Legislative intent. The text and numbering of the Interstate Insurance Product Regulation Compact have been changed to conform to the Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this Act be interpreted as substantively the same as the original compact.

See title page for effective date.

CHAPTER 681

S.P. 427 - L.D. 1325

An Act To Encourage and Support Maine Small Businesses

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

Sec. 1. 1 MRSA §535, sub-§3, as enacted by PL 1997, c. 713, §1, is amended to read:

3. Powers. The network manager may:

A. Negotiate and enter into contracts for professional consulting, research and other services; ~~and~~

B. To the extent permitted by the service level agreement between the network manager and the data custodian, have access to confidential information if it is necessary to carry out the duties of the network manager or the purposes of InforME. The network manager is subject to the same limitations and penalties as a data custodian concerning the use and disclosure of confidential information; ~~and~~

C. Designate a town, city or municipality as an "InforME Goldstar Community" if the network manager believes that town, city or municipality provides exemplary on-line services for persons seeking to establish businesses in the State, including but not limited to on-line application and submission of forms by persons seeking licensure and live on-line assistance during normal

business hours for questions concerning the establishment of a business.

Sec. 2. 5 MRSA §56, sub-§1, as enacted by PL 2001, c. 96, §1, is amended to read:

1. Membership. The board consists of 5 members who are owners, operators or officers of businesses operating in the State. The members, at least 3 of whom must represent businesses with fewer than 50 employees, are appointed by the Governor. In selecting the members of the board, the Governor shall make every effort to ensure that different regions of the State are represented. Prior to making final appointments of members to the board, the Governor or the Governor's designee shall present the appointments to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. No member of the board may be an officer or employee of State Government.

Sec. 3. 5 MRSA §13031, sub-§2, as enacted by PL 1989, c. 875, Pt. L, §§2 and 4, is amended to read:

2. Commission. "Commission" means the Maine Small Business and Entrepreneurship Commission.

Sec. 4. 5 MRSA §13032, as amended by PL 2001, c. 142, §1, is further amended to read:

§13032. Maine Small Business and Entrepreneurship Commission established

The Maine Small Business and Entrepreneurship 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. 5. 5 MRSA §13033, as amended by PL 2001, c. 142, §2, is further amended to read:

§13033. Membership

The commission consists of ~~7~~ 10 members: the Chief Executive Officer of the Finance Authority of Maine; the Commissioner of Economic and Community Development; the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters, who are ex officio, nonvoting members; the chair of the Small Business Development Centers Advisory Council; 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. 6. Additional InforME services. The InforME network manager, as described in the Maine Revised Statutes, Title 1, section 535, in conjunction with the InforME board, as described in Title 1, section 534, the Department of Administrative and Financial Services, the Department of Economic and Community Development, the Department of Labor, the Department of Human Services and Maine Revenue Services, shall enable as part of the InforME system, no later than January 1, 2006, on-line application and submission of forms by persons seeking licensure as businesses through the "Business Licensing Assistant" program. Additionally, the Department of Economic and Community Development, with technical assistance from the InforME network manager, shall provide live on-line assistance during normal business hours for questions concerning the establishment of a business in this State.

The services required by this section may be classified "premium services," as defined in Title 1, section 532. The subscription fee for premium services or transaction fees may be adjusted to accommodate the services required by this section. Any additional costs to agencies or departments as a result of this section must be absorbed by those agencies and departments within existing budgeted resources.

See title page for effective date.

CHAPTER 682

H.P. 1285 - L.D. 1763

An Act To Promote Responsible Pet Ownership

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

Sec. 1. 7 MRSA §3906-B, sub-§13, as enacted by PL 1995, c. 502, Pt. C, §12, is repealed.

Sec. 2. 7 MRSA §3906-B, sub-§15, as amended by PL 2001, c. 399, §2, is further amended to read:

15. Annual report. The commissioner shall report the activities of the commissioner annually by March 1st to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the joint standing committee of the Legislature having jurisdiction over taxation matters. This report must include a summary of cases of cruelty to animals investigated by the commissioner, a summary of final dispositions of those cases and, with

respect to companion animals, a report of the number of animal shelter intakes, the number of sterilizations and the number of euthanizations and an account of deposits into and payments from the ~~spaying and neutering fund~~ Companion Animal Sterilization Fund established in section 3910-B.

Sec. 3. 7 MRSA §3907, sub-§11-A is enacted to read:

11-A. Companion animal. "Companion animal" means a cat or dog.

Sec. 4. 7 MRSA §3910-B is enacted to read:

§3910-B. Companion Animal Sterilization Fund

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law.

2. Subsidies; development of standards. The commissioner shall develop procedures and eligibility standards for the awarding of subsidies to low-income persons for the spaying or neutering of those persons' companion animals. Procedures and eligibility standards must be developed in consultation with veterinarians and representatives of humane societies and animal shelters.

3. Fund-raising. The commissioner or the commissioner's authorized agent may provide for the creation, reproduction, sale, licensing and distribution and other disposal of any art or other products for the purpose of generating revenues for the fund. All money generated from the sale of these items must be deposited into the fund.

Sec. 5. 36 MRSA §5284-A is enacted to read:

§5284-A. Companion animal sterilization voluntary checkoff

1. Companion Animal Sterilization Fund. Taxpayers who, when filing their return, are entitled to a refund under this Part may designate that a part of that refund be paid into the Companion Animal Sterilization Fund established in Title 7, section 3910-B. A taxpayer who is not entitled to a refund