

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**Sec. 1. 12 MRSA §12706, sub-§1, ¶G**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

G. Fairfield Sanctuary: The following land owned by Good Will-Hinckley within the Town of Fairfield, in Somerset County: Beginning at the west shore of the Kennebec River, thence to Route 201, thence northerly to Kendall Annex Road, thence westerly to Craigin Brook, thence southerly along Craigin Brook to Martin Stream, thence westerly along the south bank of Martin Stream to the Central Maine Power transmission line, thence southerly along the east side of the Central Maine Power line, to discontinued Town Farm Road, to Green Road, across Green Road to Route 23, thence to Route 201, thence northerly 1/2 mile along Route 201 to the southerly line east of Route 201 of Good Will-Hinckley, thence easterly again to the Kennebec River, thence to the starting point.

Land not owned by Good Will-Hinckley within the described areas is not included within the Fairfield Sanctuary. Notwithstanding section 12701, a person may trap wild animals in the sanctuary in accordance with the provisions under chapter 917, and the 40-acre field south of Kendall Annex Road owned by Good Will-Hinckley is available for waterfowl hunting;

See title page for effective date.

## CHAPTER 18

H.P. 196 - L.D. 257

### An Act To Require Notice prior to Decreases in Wage or Salary Rates

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

**Sec. 1. 26 MRSA §621-A, sub-§5** is enacted to read:

**5. Change in rate of pay.** Notwithstanding the provision of section 623 exempting salaried employees as defined in section 663, subsection 3, paragraph K, payment of wages or salary must be made at the rate previously established by the employer, except that the employer may decrease the rate of pay, effective the next working day, if the employer gives notice to all affected employees prior to the change. When an employer has temporarily increased an employee's wage rate to comply with the prevailing wage requirements of chapter 15; the Davis-Bacon Act, 40 United States Code, Section 276a et seq.; or other applicable federal or state law, an employer need

not provide advance notice prior to returning the employee to the employee's regular wage rate, as long as the employer is in compliance with all posting and notice provisions of the applicable law. Changes of rates of pay made under a collective bargaining agreement are exempt from this requirement.

**Sec. 2. 26 MRSA §623**, as amended by PL 1999, c. 790, Pt. P, §2 and affected by §3, is further amended to read:

### §623. Exemptions

This section and sections 621-A and 622 do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not apply to an employee of a cooperative corporation or association if the employee is a stockholder of the corporation or association, unless the employee requests the association or corporation to pay that employee in accordance with section 621-A. Except as provided in section 621-A, subsections 3 ~~and~~ 4 ~~and~~ 5, a corporation, contractor, person or partnership may not by a special contract with an employee or by any other means exempt itself from this section and sections 621-A and 622.

See title page for effective date.

## CHAPTER 19

S.P. 79 - L.D. 226

### An Act To Amend the Applied Technology Development Centers Statutes

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

**Sec. 1. 5 MRSA §12004-G, sub-§33-E**, as enacted by PL 1999, c. 731, Pt. UUU, §1, is amended to read:

<b>33-E.</b>	<del>Applied</del>	Not	5 MRSA
Technology	Technology	Authorized	§15321
	<del>Development</del>		
	Center		
	<del>System</del>		
	Coordinating		
	Board		

**Sec. 2. 5 MRSA §13105, sub-§2, ¶C**, as enacted by PL 2003, c. 673, Pt. M, §8, is amended to read:

C. The development of new commercial products and the fabrication of such products in the State through the Maine Technology Institute

under section 15302 and the ~~applied technology development~~ centers under section 15321; and

**Sec. 3. 5 MRSA c. 407, sub-c. 2** is amended by repealing the subchapter headnote and enacting in its place the following:

## **SUBCHAPTER 2**

### **TECHNOLOGY CENTERS**

**Sec. 4. 5 MRSA §15321**, as amended by PL 2001, c. 562, §3 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

#### **§15321. Technology centers**

**1. Establishment; purpose.** The ~~Applied Technology Development Center System~~ technology centers, referred to in this section as the "system centers," ~~is are~~ established. The purpose of the system centers is to permit early-stage development of technology-based businesses while minimizing or eliminating debilitating overhead expenses. ~~The system is self-managed, state-coordinated centers, strategically placed throughout the State, are an integral component of the State's efforts to foster new technology-based businesses and consists of a network of self-managed, state-coordinated centers strategically placed throughout the State.~~ The goals of the system centers include the following:

- A. The retention of successful start-up businesses in the State;
- B. The improvement of opportunities for workers through the creation of technologically advanced jobs;
- C. The encouragement of private-sector initiatives;
- D. The renovation and utilization of vacant commercial real estate; and
- E. The generation of new sources of revenue for local and state tax bases.

**2. Administration.** The following provisions govern the administration of the system centers.

~~A. The system is administered by the Applied Technology Development Center System Director, referred to in this section as the "director," who is appointed by the Commissioner of Economic and Community Development. The director shall report to the Commissioner of Economic and Community Development in the execution of the director's responsibilities. The duties of the director include, but are not limited to:~~

~~(1) Assisting in the recruitment of tenants for the system;~~

~~(2) Providing marketing services for the system; and~~

~~(3) Providing business training for tenants of the system, including:~~

~~(a) Developing a business plan; and~~

~~(b) Providing information and assistance regarding legal issues and financing.~~

B. The Department of Economic and Community Development shall establish an ~~Applied~~ Technology Development Center System Coordinating Board that consists of interested parties in the State to coordinate system center activities. The ~~Applied Technology Development Center System~~ Coordinating Board consists of at least the following members:

(1) The Commissioner of Economic and Community Development or the commissioner's designee;

~~(2) The director;~~

(3) A representative from each ~~applied technology development~~ center, chosen by that center;

(4) A representative from the University of Maine System, chosen by the Chancellor of the University of Maine System;

(5) A representative of the Maine Community College System, chosen by the President of the Maine Community College System;

(6) A representative of a nonprofit organization that is funded by the State and promotes the State to business entities, chosen by that organization;

(7) An attorney, chosen by the Commissioner of Economic and Community Development;

(8) A financial expert, chosen by the Commissioner of Economic and Community Development; and

(9) A representative of the institute.

C. Each ~~applied technology development~~ center is governed by its own board of directors. Each board of directors shall establish standards for the selection of tenants.

D. The Department of Economic and Community Development shall determine where the ~~applied technology development~~ centers are to be located. ~~The Center for Environmental Enterprise in South Portland, the Target Technology Center in Orono, the Thomas M. Teague Biotechnology Park in Fairfield and the Loring Biotechnology Incubator in Limestone are exempt from a determination made under this paragraph.~~

**3. Technology centers.** The following provisions govern ~~applied technology development~~ centers.

A. ~~An applied~~ A technology ~~development~~ center may be incorporated as a nonprofit organization, be part of a nonprofit organization, be incorporated as a for-profit organization or be part of a for-profit organization. The following provisions govern a for-profit ~~applied technology development~~ center.

(1) Services made available to ~~an applied~~ a technology ~~development~~ center by the ~~center~~ director must be made available to all tenants of a for-profit center.

(2) A for-profit center in a targeted technology may apply for available funding. A for-profit center selected for funding shall accept the funding as a loan that may be paid back in the form of cash, equity or royalties as agreed upon by the for-profit center and the Department of Economic and Community Development.

~~B. The Department of Economic and Community Development and the director shall assist in the recruitment of tenants for the applied technology development centers that are representative of the targeted technologies. Sources of tenant recruitment may include nonprofit and academic institutions, entrepreneurial start up companies referred to the system by a technology based trade organization or economic development organization and system recruited and self-referred start up companies.~~

C. Each ~~applied technology development~~ center shall provide shared, low-cost space to selected tenants and be designed to be self-sufficient with regard to operational costs and structural maintenance. Existing real estate must be considered where suitable. Specific business support tailored to each tenant must be provided by existing organizations such as the small business development centers and regional economic development districts. Each ~~applied technology development~~ center must have simultaneous-broadcast or interactive-television capability or

access to these capabilities nearby to facilitate common training for the system.

D. The records and proceedings of the ~~applied technology development~~ centers are not considered public for the purposes of Title 1, chapter 13.

**4. Funding.** The following provisions govern funding for ~~applied technology development~~ centers.

A. An applicant may not receive more than \$750,000 ~~from the system in an initial funding for an applied~~ a technology ~~development~~ center.

~~B. An entity that requests initial funding for an applied technology development center shall obtain or must have obtained at least 25% of the funding from nonstate sources. These sources may include in-kind donations, federal grants, federal funding, local funding initiatives and private foundation grants. The Applied Technology Development Center System Coordinating Board shall determine whether the matching funds meet this requirement. The Center for Environmental Enterprise in South Portland, the Target Technology Center in Orono, the Thomas M. Teague Biotechnology Park in Fairfield and the Loring Biotechnology Incubator in Limestone must meet this requirement in order to receive funding under this subsection.~~

**5. Relationship with academic institution.** ~~An applied~~ A technology ~~development~~ center shall establish a relationship with at least one academic institution in this State. The ~~Applied Technology Development Center System~~ Coordinating Board shall establish guidelines for such a relationship and determine whether ~~an applied~~ a technology ~~development~~ center has met the requirements of this subsection.

**6. Rule-making authority.** The Department of Economic and Community Development may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter ~~II-A~~ 2-A.

See title page for effective date.

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## CHAPTER 20

### H.P. 26 - L.D. 23

#### An Act To Establish Community Giving Week

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