

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.

Penmor Lithographers
Lewiston, Maine
2005

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 ~~H-A~~ 2-A.

See title page for effective date.

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:

Sec. 1. 1 MRSA §148 is enacted to read:

§148. Community Giving Week

The 3rd full week in November of each year is designated as Community Giving Week, and the Governor shall issue annually a proclamation inviting and urging people of the State to observe this week in suitable places with appropriate activity.

See title page for effective date.

CHAPTER 21

H.P. 672 - L.D. 962

**An Act To Codify Unallocated Law
Regarding the Maine State
Retirement System**

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

Sec. 1. 5 MRSA §285, sub-§1-C is enacted to read:

1-C. Status of employees who have retired and returned to covered employment under Maine State Retirement System. For purposes of participation in the state employee health insurance program pursuant to this section or in dental insurance coverage offered by the State, recipients of a service retirement benefit under the Maine State Retirement System who are retired state employees and who are reemployed as state employees must be treated as retirees under subsection 1-A for purposes of eligibility for coverage under the group plan.

Sec. 2. PL 2001, c. 442, §5 is amended to read:

Sec. 5. Status of employees who have retired and returned to covered employment under the Maine State Retirement System. Notwithstanding the Maine Revised Statutes, Title 5, section 17651, and, except as provided in Title 5, section 17857, subsection 2, recipients of a service retirement benefit from the Maine State Retirement System who have returned to covered employment under the retirement system in a position that would otherwise be covered by the retirement plan for state employees and teachers may not contribute to the retirement system, do not earn creditable service for their employment after retirement and do not earn any additional retirement benefits as a result of that employment. They may participate in other retirement options available to similar employees, including the state program of tax-deferred arrangements under Title 5, chapter 67, at the discretion of their employer. ~~For purposes of participation in the state employee health~~

~~insurance program pursuant to the Maine Revised Statutes, Title 5, section 285 or in dental health insurance coverage offered by the State, recipients of a service retirement benefit under the Maine State Retirement System who are retired state employees and who are reemployed as state employees must be treated as retirees under section 285, subsection 1-A for purposes of eligibility for coverage under the group plan.~~

See title page for effective date.

CHAPTER 22

S.P. 71 - L.D. 218

**An Act To Make Sexual Exploitation
of Minors a Crime Compensable by
the Victims' Compensation Board**

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

Sec. 1. 5 MRSA §3360, sub-§3, ¶F, as amended by PL 2003, c. 243, §1, is further amended to read:

F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State; or

Sec. 2. 5 MRSA §3360, sub-§3, ¶G, as enacted by PL 2003, c. 243, §1, is amended to read:

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; or

Sec. 3. 5 MRSA §3360, sub-§3, ¶H is enacted to read:

H. Sexual exploitation of a minor as described in Title 17-A, chapter 12.

See title page for effective date.

CHAPTER 23

H.P. 476 - L.D. 656

**An Act To Revise the Salary Range
of Certain Public Utilities
Commission Employees**

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

Sec. 1. 2 MRSA §6-A, sub-§3, as amended by PL 1985, c. 618, §1, is further amended to read: