

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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

Augusta, Maine
2009

Sec. 2. 9-B MRSA §325, sub-§1, ¶B, as amended by PL 1997, c. 398, Pt. D, §10, is repealed.

See title page for effective date.

CHAPTER 20

H.P. 104 - L.D. 122

An Act To Correct the Law Concerning Private Investigators' License Qualifications

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

Sec. 1. 32 MRSA §8105, sub-§5, as amended by PL 2001, c. 298, §2, is further amended to read:

5. Application. Submits an application ~~which~~ that contains the following:

- A. Full name;
- B. Full current address and addresses for the prior 5 years;
- C. The date and place of birth, height, weight and color of eyes;
- D. A statement granting the chief of police authority to check the criminal records of any law enforcement agency. The applicant must agree to submit to having ~~his~~ fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to ~~his~~ the applicant's identity; and
- E. Answers to the following questions:
 - (1) Are you currently under indictment or information for a crime for which the possible penalty is imprisonment for a period equal to or exceeding one year?
 - (2) Have you ever been convicted of a crime for which the possible penalty was imprisonment for a period equal to or exceeding one year?
 - (3) Are you a fugitive from justice?
 - (4) Are you an unlawful user of or addicted to marijuana or any other drug?
 - (5) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years? or
 - (6) Are you an illegal alien?

By affixing ~~his~~ the applicant's signature, the applicant certifies that the information in the application provided by ~~him~~ the applicant is true and correct and that ~~he~~ the applicant understands that an affirmative answer to any of the questions in paragraph E, ~~subpara-~~

~~graph (5)~~ is cause for refusal and any false statement may result in prosecution as provided in section 8114.

See title page for effective date.

CHAPTER 21

H.P. 214 - L.D. 271

An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine's working waterfront industries are critical to the growth of the State's economy and bolstering these industries, which have suffered unexpected catastrophic events in regions of high unemployment, by providing Pine Tree Development Zone benefits could help them recover more rapidly and allow them to continue to be valuable assets to the economy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §5250-I, sub-§4, as amended by PL 2005, c. 351, §1, is further amended to read:

4. Base level of employment. "Base level of employment" means the greater of either the total employment in the State of a business as of March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the year of the business's application to become a certified Pine Tree Development Zone business divided by 4 or its average employment during the base period. Pursuant to section 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence.

Sec. 2. 30-A MRSA §5250-I, sub-§5-A is enacted to read:

5-A. Catastrophic occurrence. "Catastrophic occurrence" means accidental fire, flood, hurricane, windstorm, earthquake or other similar event.

Sec. 3. 30-A MRSA §5250-I, sub-§23 is enacted to read:

23. Working waterfront. "Working waterfront" means a parcel of land abutting water subject to tidal influence or land located in the intertidal zone that is used primarily or predominantly to provide access to or support the conduct of commercial fishing and marine activities. For purposes of this subsection, "parcel" includes an entire unit of real estate notwithstanding the fact that it is divided by a road, way, railroad or pipeline.

Sec. 4. 30-A MRSA §5250-I, sub-§24 is enacted to read:

24. Working waterfront industry. "Working waterfront industry" means an industry primarily involved in supporting commercial fishing, marine and boat building activities.

Sec. 5. 30-A MRSA §5250-J, sub-§4-A is enacted to read:

4-A. Catastrophic occurrence; benefits. A qualified Pine Tree Development Zone business whose primary purpose is to support the State's working waterfront industry may apply for an adjustment of the base level of employment as described in this section, if it meets the following criteria:

A. It is located on a working waterfront in a Pine Tree Development Zone;

B. It has sustained at least a 5% loss of employed workers due to a catastrophic occurrence; and

C. It has appropriate infrastructure and zoning or other land use regulations in place.

For the purposes of this section and calculation of Pine Tree Development Zone benefits in section 5250-I, subsection 14, the base level of employment may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence. A qualified business must apply for an adjustment of the base level of employment within 16 months of the catastrophic occurrence. Applications pursuant to this subsection must be received by August 1, 2011.

Sec. 6. 36 MRSA §6753, sub-§4, as amended by PL 2005, c. 351, §21, is further amended to read:

4. Base level of employment. "Base level of employment" means the greater of either the total employment of a business as of the March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the application for approval of the employment tax increment financing development program divided by 4 or its average employment during the base period. Pursuant to Title 30-A, section 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the

3 months immediately preceding the catastrophic occurrence.

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

Effective April 9, 2009.

CHAPTER 22

H.P. 76 - L.D. 92

An Act Pertaining to the Quality Child Care Education Scholarship Fund

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, pursuant to Public Law 1999, chapter 401, Part 000, section 5 and Public Law 1999, chapter 783, section 1, the Quality Child Care Education Scholarship Fund was established, and the Finance Authority of Maine was authorized to adopt rules for determining amounts of scholarships, among other things; and

Whereas, the Finance Authority of Maine has adopted a rule that currently sets scholarship amounts at \$500 per eligible course for an annual maximum disbursement of \$2,000 per student; and

Whereas, Public Law 2007, chapter 683, Part B, section 3 directed the Finance Authority of Maine to amend its rule to increase the annual maximum scholarship disbursement from \$2,000 to \$3,000 without providing additional funding; and

Whereas, increasing the annual maximum disbursement will result in fewer students receiving scholarships and is not in the best interests of the scholarship program or Maine students; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 2007, c. 683, Pt. B, §3 is repealed.

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

Effective April 9, 2009.