

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
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

**CHAPTER 83
S.P. 40 - L.D. 118**

**An Act To Further Facilitate
the Provision of Educational
Loans for Maine Students and
Families**

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

Whereas, there has been unprecedented turbulence in the capital markets that has made it necessary to replace existing auction rate bond financing for federally guaranteed student loans with financing supported by a capital reserve fund; and

Whereas, if financing supported by a capital reserve fund cannot be made available, the availability, rates and terms of federally guaranteed student loans to Maine borrowers may be adversely affected, resulting in increased costs to students and families or even unavailability of federally guaranteed student loans; 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. 20-A MRSA §11407, sub-§1, as amended by PL 2003, c. 112, §4, is further amended to read:

1. Origination of loans. Any entity acquiring student loan notes may not originate federally guaranteed loans, except as authorized in chapter 417-F. The entity may not discriminate against any financial institution or credit union authorized to do business in this State or any other entity with respect to the acquisition of loans. The entity shall adopt policies regarding conflict of interest.

Sec. 2. 20-A MRSA §11496-A, sub-§1, as enacted by PL 2007, c. 665, §1, is amended to read:

1. Capital reserve fund. The authority may create and establish one or more capital reserve funds and may pay into any capital reserve fund any money appropriated and made available by the State for the purposes of any such fund, any proceeds of the sale by the authority of bonds to the extent determined by the authority and any other money available to the authority. The authority may not create or establish any capital reserve fund under this subsection after June 30, ~~2009~~ 2010.

Sec. 3. 20-A MRSA §11496-A, sub-§3, ¶A, as enacted by PL 2007, c. 665, §1, is amended to read:

A. The amount stated in the applicable trust agreement or other document used to establish the capital reserve fund, with respect to any capital reserve fund established before June 30, ~~2009~~ 2010; or

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

Effective May 6, 2009.

CHAPTER 84

H.P. 280 - L.D. 373

**An Act To Facilitate Lactation
at the Workplace by New
Mothers**

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

Sec. 1. 26 MRSA §604 is enacted to read:

§604. Nursing mothers in the workplace

An employer, as defined in section 603, subsection 1, paragraph A, shall provide adequate unpaid break time or permit an employee to use paid break time or meal time each day to express breast milk for her nursing child for up to 3 years following childbirth. The employer shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. An employer may not discriminate in any way against an employee who chooses to express breast milk in the workplace.

See title page for effective date.

CHAPTER 85

H.P. 384 - L.D. 539

**An Act To Amend the Laws
Governing the Allowable Uses
of Tax Increment Financing
Funds**

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

Sec. 1. 30-A MRSA §5225, sub-§1, ¶C, as amended by PL 2007, c. 413, §6, is further amended to read:

C. Costs related to economic development, environmental improvements or employment training

within the municipality, including, but not limited to:

- (1) Costs of funding economic development programs or events developed by the municipality or funding the marketing of the municipality as a business or arts location;
- (2) Costs of funding environmental improvement projects developed by the municipality for commercial or arts district use or related to such activities;
- (3) Funding to establish permanent economic development revolving loan funds or investment funds;
- (4) Costs of services to provide skills development and training for residents of the municipality. These costs may not exceed 20% of the total project costs and must be designated as training funds in the development program; ~~and~~
- (5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care; and
- (6) Costs relating to planning, design, construction, maintenance, grooming and improvements to new or existing recreational trails determined by the department to have significant potential to promote economic development, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses; and

See title page for effective date.

CHAPTER 86
S.P. 390 - L.D. 1026

An Act Concerning Mercury-added Button Cell Batteries

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

Sec. 1. 38 MRSA §1661-C, sub-§9, as enacted by PL 2005, c. 509, §2, is repealed and the following enacted in its place:

9. Button cell batteries. This subsection governs the sale of mercury-added button cell batteries.

A. After June 30, 2011, a person may not sell or offer to sell or distribute for promotional purposes a mercury-added button cell battery identified in this paragraph or a product that contains a

mercury-added button cell battery identified in this paragraph:

- (1) A zinc-air button cell battery;
- (2) An alkaline manganese button cell battery; or
- (3) A silver oxide button cell battery stamped with the designation SR357, SR364, SR371, SR377 or SR395; and

B. After January 1, 2015, a person may not sell or offer to sell or distribute for promotional purposes a silver oxide mercury-added button cell battery or a product that contains a silver oxide mercury-added button cell battery.

Sec. 2. 38 MRSA §2165, sub-§6, ¶D, as enacted by PL 1991, c. 808, §2, is amended to read:

D. An alkaline manganese battery manufactured on or after January 1, 1996 that contains any added mercury except that, until June 30, 2011, any alkaline manganese battery resembling a button or coin in size and shape, ~~may contain that~~ contains no more than 25 milligrams of mercury may be sold.

See title page for effective date.

CHAPTER 87
S.P. 86 - L.D. 245

An Act To Calculate the School Year by Number of Hours

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

Whereas, weather, failure of heating systems or other extraordinary events may necessitate a school board to alter the school calendar; and

Whereas, allowing the Commissioner of Education to approve alternatives to the minimum number of school days offers a school board flexibility in adjusting the calendar to best meet students' needs; 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. 20-A MRSA §4801, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read: