

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

laboration with the committee. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a regional operations plan are eligible to receive funds administered by the Department of Transportation and the Department of Health and Human Services.

**Sec. 4. 23 MRSA §4209, sub-§4,** as corrected by RR 2003, c. 2, §84, is amended to read:

**4. Human services assistance; priorities.** ~~A liaison appointed by the Department of Health and Human Services~~ The committee shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human ~~services'~~ services programs are insufficient for full implementation of the human ~~services'~~ services portion of an approved biennial regional operations plan, priorities established by the Department of Health and Human Services determine the priority clients that must be initially served by human ~~services'~~ services funds. ~~The Department of Health and Human Services and its agents~~ Members of the committee and their contractors shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

The Department of Health and Human Services and the Department of Labor shall ensure that any new service to be provided is adequately funded to cover the costs of the transportation component of the program.

See title page for effective date.

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**CHAPTER 131**

**H.P. 973 - L.D. 1394**

**An Act To Modify the Regional Economic Development Revolving Loan Program**

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

**Sec. 1. 10 MRSA §1026-A, sub-§5,** as enacted by PL 2003, c. 537, §30 and affected by §53, is amended to read:

**5. Limitations on loan insurance.** The authority may establish a maximum insurance liability for particular sectors and for existing loans by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 10 MRSA §1026-M, sub-§3,** as amended by PL 2001, c. 639, §1, is further amended to read:

**3. Disbursements from fund.** If an application is approved, the authority shall determine the amount to be disbursed to the corporation, taking into account:

- A. The size of the region served by the corporation and the expected demand for loan funds in that region;
- B. The demand for funds from other eligible corporations in relation to the total amount available in the fund; and
- C. Whether an eligible corporation will serve a geographic area or segment of potential business borrowers not served by other applicants.

A corporation may not receive more than ~~\$2,500,000~~ \$3,500,000 from the fund. Funds must be disbursed directly to and retained by the eligible corporation in accordance with the contract between the corporation and the authority. Funds must be disbursed to the corporation in the form of a loan or a grant. The authority may, in its discretion, disburse fund amounts in one lump sum or periodic disbursements.

**Sec. 3. 10 MRSA §1026-M, sub-§4, ¶B,** as enacted by PL 1993, c. 722, Pt. C, §1 and affected by §2, is amended to read:

- B. The corporation shall review applications for financial assistance, determine the feasibility of the application and approve or deny the application, which determination is final in the case of loans under ~~\$100,000~~ \$150,000 or in the case of denials of any amount;

**Sec. 4. 10 MRSA §1026-M, sub-§6, ¶A,** as amended by PL 1999, c. 401, Pt. OOO, §2, is further amended to read:

- A. Loans may not exceed ~~\$200,000~~ \$250,000 to a borrower, including an affiliated entity, and approval of the authority is required for any loan in excess of ~~\$100,000~~ \$150,000. Loans for quality child care projects may not exceed \$100,000 to a borrower. Loans or portions of loans to a quality child care project to be used solely for lead abatement may not exceed ~~\$5,000~~ \$15,000.

**Sec. 5. 10 MRSA §1026-M, sub-§6, ¶B,** as amended by PL 2003, c. 195, §1, is further amended to read:

- B. Loans over ~~\$50,000~~ \$100,000 for borrowers other than quality child care projects may not exceed 1/3 of the net new funds being provided to a borrower. Loans of \$50,000 ~~or less~~ to \$100,000 for projects other than quality child care projects may not exceed 1/2 of the net new funds being provided to a borrower. Loans of less than \$50,000 and loans for quality child care projects may be for the total amount of new funds being provided to the borrower.

**Sec. 6. 10 MRSA §1026-M, sub-§7, ¶A**, as amended by PL 1999, c. 401, Pt. OOO, §3, is further amended to read:

A. The business for which funds are requested has 50 or fewer employees or annual sales of \$5,000,000 or less, and it consists of or involves at least one of the following:

- (1) ~~Advanced manufacturing~~ Manufacturing technologies, such as value-added wood products and specialty fabricated metal and electronic products, precision manufacturing and use of composites or advanced materials;
- (2) ~~Advanced information system technologies~~ Technologies, such as advanced information systems, advanced telecommunications, energy and environmental products and services;
- (3) ~~Advanced biological and~~ Biological and natural resource technologies, such as aquaculture, marine technology, agriculture, forestry products and biotechnology;
- (4) A business converting from defense dependency;
- (5) A business significantly engaged in export of goods or services to locations outside the State;
- (6) A business that dedicates significant resources to research and development activities;
- (7) Other businesses with ~~5~~ 10 or fewer employees; and
- (8) A child care project that includes any business that, for compensation, provides a regular service of care and protection for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.

Notwithstanding the requirements of this paragraph, until June 30, 2010, a project or a borrower that is eligible for loan insurance under section 1026-A is eligible for financial assistance under the program.

See title page for effective date.

**CHAPTER 132  
H.P. 228 - L.D. 288**

**An Act To Expand Super Pack License Opportunities**

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

**Sec. 1. 12 MRSA §11109-A, sub-§2**, as repealed and replaced by PL 2007, c. 492, §1, is amended to read:

**2. Antlerless deer permit.** A super pack license includes:

- A. The opportunity to enter an antlerless deer permit lottery pursuant to section 11152 as afforded by a license contained within the super pack license subject to the conditions and restrictions placed on that license; and
- B. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least ~~5,000~~ 3,500 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this subsection.

See title page for effective date.

**CHAPTER 133  
S.P. 209 - L.D. 549**

**An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing**

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

**Sec. 1. 26 MRSA §682, sub-§7**, as amended by PL 2001, c. 556, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**7. Substance abuse test.** "Substance abuse test" means any test procedure designed to take and analyze body fluids or materials from the body for the purpose of detecting the presence of substances of abuse. The term does not include tests designed to determine blood-alcohol concentration levels from a sample of an individual's breath.

- A. "Screening test" means an initial substance abuse test performed through the use of immunoassay technology or a federally recognized substance abuse test, or a test technology of similar or