

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.

Augusta, Maine
2009

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Sec. 1. 12 MRSA §11109-A, sub-§2, as repealed and replaced by PL 2007, c. 492, §1, is amended to read: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

greater accuracy and reliability approved by the Department of Health and Human Services under rules adopted under section 687, and that is used as a preliminary step in detecting the presence of substances of abuse.

(1) A screening test of an applicant's urine or saliva may be performed at the point of collection through the use of a noninstrumented point of collection test device approved by the federal Food and Drug Administration. Section 683, subsection 5-A governs the use of such tests.

B. "Confirmation test" means a 2nd substance abuse test that is used to verify the presence of a substance of abuse indicated by an initial positive screening test result and is a federally recognized substance abuse test or is performed through the use of liquid or gas chromatography-mass spectrometry that is used to verify the presence of a substance of abuse indicated by an initial positive screening test result.

~~(1) The Department of Health and Human Services may recommend to the joint standing committee of the Legislature having jurisdiction over labor matters that other testing technologies be authorized for use in confirmation tests if the department finds those technologies to be of equal or greater accuracy and reliability than gas chromatography-mass spectrometry.~~

C. "Federally recognized substance abuse test" means any substance abuse test recognized by the federal Food and Drug Administration as accurate and reliable through the administration's clearance or approval process.

Sec. 2. 26 MRSA §683, sub-§2, ¶G, as amended by PL 1999, c. 199, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

G. The cutoff levels for both screening and confirmation tests at which the presence of a substance of abuse in a sample is considered a positive test result.

(1) Cutoff levels for confirmation tests for marijuana may not be lower than 15 nanograms of delta-9-tetrahydrocannabinol-9-carboxylic acid per milliliter for urine samples.

(2) The Department of Health and Human Services shall adopt rules under section 687 regulating screening and confirmation cutoff levels for other substances of abuse, including those substances tested for in blood samples

under subsection 5, paragraph B, to ensure that levels are set within known tolerances of test methods and above mere trace amounts. An employer may request that the Department of Health and Human Services establish a cutoff level for any substance of abuse for which the department has not established a cutoff level.

(3) Notwithstanding subparagraphs (1) and (2), if the Department of Health and Human Services does not have established cutoff levels or procedures for any specific federally recognized substance abuse test, the minimum cutoff levels and procedures that apply are those set forth in the Federal Register, Volume 69, No. 71, sections 3.4 to 3.7 on pages 19697 and 19698;

Sec. 3. 26 MRSA §686, sub-§1, ¶C is enacted to read:

C. The department shall allow for the use of any federally recognized substance abuse test.

See title page for effective date.

CHAPTER 134

S.P. 99 - L.D. 303

An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season

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

Sec. 1. 12 MRSA §11401, sub-§1, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. Except as otherwise provided in this subsection and sections 10952, 11152, 11403 and 11404 or by rule adopted by the commissioner pursuant to section 11402, subsection 4, there is an open season for deer in each calendar year in all counties of the State between September 15th and December ~~15th~~ 20th annually. In a year that the regular season extends beyond November 30th, the regular season must start no later than the 4th Monday preceding Thanksgiving.

See title page for effective date.