

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1. We Support Our Troops Advisory Board.

The We Support Our Troops Advisory Board, as established by Title 5, section 12004-I, subsection 84-A and referred to in this subsection as "the board," shall determine the use of the revenue in the fund that is attributable to the issuance and renewal of the We Support Our Troops registration plates established in Title 29-A, section 456-D. The board consists of 9 members:

A. Eight members appointed by the Governor, in consultation with the Adjutant General:

- (1) Two persons, each representing the interests of the Maine National Guard;
- (2) Two persons, each representing the interests of Maine residents in the Reserves of the Armed Forces of the United States; and
- (3) Four persons representing the interests of the public; and

B. The Adjutant General.

The Adjutant General serves during the Adjutant General's term of office. The terms of members appointed under paragraph A are for 3 years. Members may be reappointed for subsequent terms. A vacancy must be filled in the same manner as an original appointment for the remainder of the unexpired term.

The board shall submit a report to the joint standing committee of the Legislature having jurisdiction over transportation matters by June 30th of each year. The report must provide a detailed account of funds for each fiscal year and include the number of loans and grants awarded, the names of those who received loans and grants, a description of the process for awarding loans and grants and the total amount of loan and grant money awarded.

Sec. 7. Transition. Notwithstanding the appointment provisions of the Maine Revised Statutes, Title 37-B, section 158, subsection 1, the members of the We Support Our Troops Advisory Board on June 30, 2010 under former Title 29-A, section 456-D, subsection 8 continue to serve on the board for the balance of their terms of office.

See title page for effective date.

**CHAPTER 482
H.P. 1137 - L.D. 1609**

**An Act To Expand the Use of
Ignition Interlock Devices**

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

Sec. 1. 29-A MRSA §2508, sub-§1, ¶C, as enacted by PL 2007, c. 531, §6 and affected by §10, is amended to read:

C. The license of a person with 4 or more OUI offenses may be reinstated after the expiration of the period of suspension if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. This paragraph applies only to 4th or subsequent offenses committed after August 31, 2008.

Sec. 2. PL 2007, c. 531, §8 is repealed.

See title page for effective date.

**CHAPTER 483
S.P. 505 - L.D. 1389**

**An Act To Create Regional
Quality of Place Investment
Strategies for High-value Jobs,
Products and Services in Maine**

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

Sec. 1. 5 MRSA Pt. 16-A is enacted to read:

PART 16-A

MAINE QUALITY OF PLACE

CHAPTER 363

**MAINE QUALITY OF PLACE JOBS CREATION
AND INVESTMENT STRATEGY**

§7019. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Council. "Council" means the Maine Quality of Place Council set out under section 7020.

2. Economic development district. "Economic development district" means an economic development district as defined in 42 United States Code, Section 3122(3) that has a comprehensive economic development strategy under 42 United States Code, Section 3162.

3. Quality of place assets. "Quality of place assets" means those exceptional, marketable, place-based competitive strengths, resources and advantages that drive the local and regional economy and its sustainability, including:

A. Sustainable economic activities based on natural resources, including farming, fishing, forestry, nature-based and heritage-based tourism and outdoor recreation and leisure;

B. Downtowns and community centers;

C. Historic buildings, structures and related facilities;

D. Arts, culture and creative economy activities;

E. Landscapes, including the working landscapes of farms, forests and waterfronts;

F. Access to outdoor recreational activities and leisure over public and private lands, including motorized and nonmotorized activities;

G. Skills and knowledge of a workforce that relate to quality of place, including but not limited to those of workers in fishing, farming, forestry, research, historic preservation, the arts and culture, tourism and outdoor recreation and leisure; and

H. Intellectual assets, including schools and colleges, research institutes, museums and educational programs.

4. Regional quality of place assets inventory. "Regional quality of place assets inventory" means a listing, mapping and assessment of identified local and regional quality of place assets.

5. Regional quality of place investment strategy. "Regional quality of place investment strategy" means a plan of action, including proposed sources of funding, that makes use of a regional quality of place assets inventory to achieve the following goals:

A. Creation of new, high-value jobs, products and services in the geographic area served by an economic development district;

B. Increased regional investment, incomes and public revenues; and

C. Increased protection, enhancement and marketing of assets identified as economic drivers in a regional quality of place assets inventory.

§7020. Maine Quality of Place Council

1. Composition. The Maine Quality of Place Council, established in section 12004-G, subsection 29-C, consists of the following 12 members:

A. Six ex officio members:

(1) The Commissioner of Economic and Community Development;

(2) The Commissioner of Transportation;

(3) Two commissioners selected by the Governor from the following agencies: the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources;

(4) The Director of the State Planning Office within the Executive Department; and

(5) The chair of the Maine State Cultural Affairs Council established in section 12004-G, subsection 7-A; and

B. Six private citizen members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters and to confirmation by the Legislature. The private citizen members must be selected for their knowledge of and demonstrated commitment to protecting, enhancing and building upon the State's natural, historic, cultural, intellectual, tourism, outdoor recreational and downtown assets for marketability and jobs creation. One private citizen member must be a representative of an economic development district.

2. Terms. The members of the council appointed pursuant to subsection 1, paragraph B serve for 2-year terms. Each private citizen member of the council serves until that member's successor is appointed and qualified. A private citizen member of the council is eligible for reappointment.

3. Vacancy. A vacancy in the council does not impair the right of a quorum of the members to exercise all the rights and perform all the duties of the council. In the event of a vacancy occurring in the membership, the Governor shall appoint a replacement member for the remainder of the unexpired term in the same manner in which the original appointment was made.

4. Chair; vice-chair. At the first meeting of the council, the council shall elect from its membership a chair and a vice-chair. The chair and vice-chair serve for one-year terms. The chair and vice-chair serve until their successors are elected. The chair calls meetings of the council and presides over meetings. The vice-chair serves as the chair in the absence of the chair. The Director of the State Planning Office within the Executive Department shall call the first meeting of the council as soon as all initial appointments to the council have been made.

5. Meetings; quorum. The council shall meet at least 3 times each year. The chair shall establish the agenda. A quorum of the council is 7 members.

6. Compensation. Members of the council appointed pursuant to subsection 1, paragraph B are enti-

tled to receive compensation for travel expenses as allowed under section 12004-G, subsection 29-C while engaged in council activities. The Executive Department, State Planning Office shall absorb these costs.

7. Assistance. The Department of Economic and Community Development and the Executive Department, State Planning Office shall jointly provide staff support to the council. The Department of Economic and Community Development; the Department of Conservation; the Department of Transportation; the Maine State Cultural Affairs Council established in section 12004-G, subsection 7-A; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Marine Resources; the Executive Department, State Planning Office; and all other state agencies shall provide assistance considered necessary by the council to fulfill the objectives of this chapter.

§7020-A. Council responsibilities

The council shall facilitate interagency coordination of state and regional activities regarding regional quality of place investment strategies.

1. Standards and guidance. In consultation with directors of economic development districts, the council shall establish standards and guidelines for regional quality of place investment strategies. The standards and guidelines must ensure that regional quality of place investment strategies are developed with broad public input. The council shall provide guidance to directors of economic development districts for integrating regional capital investment plans, regional transportation plans and other regional plans and strategies with regional quality of place investment strategies.

2. Interagency coordination. The council shall work with relevant state agencies to identify how they can actively promote, strengthen and support efforts to make best use of the State's quality of place assets, including initiatives that support and implement regional quality of place investment strategies. State agencies are encouraged to fund projects that are identified as priorities in regional asset-based strategies developed by economic development districts according to the guidance in this chapter. The council shall coordinate its work with other state economic plans and with the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters. The council shall also consult with the Department of Economic and Community Development in the context of its economic development strategy authority under section 13053; the Maine Development Foundation in the context of its economic development strategy authority under Title 10, section 917-A, subsection 2; the Maine Economic Growth Council in the context of its economic development strategy authority under Title 10, section

929-B, subsection 1; the Maine Community College System; and the University of Maine System.

3. Performance measures. In consultation with directors of economic development districts, the council shall develop performance measures to assess the contributions of regional quality of place investment strategies to the goals described in section 7019, subsection 5.

4. Annual report. The council shall report on its activities to the Governor and seek input from and report on its activities to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to December 31st of each year. In its report, the council shall describe whether and how regional quality of place investment strategies have contributed to the goals described in section 7019, subsection 5 and make any recommendations necessary to further the purposes of this chapter.

Sec. 2. 5 MRSA §12004-G, sub-§29-C is enacted to read:

29-C.

Natural and Built Assets	Maine Quality of Place Council	Travel Expenses for Appointed Members	5 MRSA §7020
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Sec. 3. 30-A MRSA §2343 is enacted to read:

§2343. Regional quality of place investment strategies

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Economic development district" has the same meaning as in Title 5, section 7019, subsection 2.
- B. "Quality of place assets" has the same meaning as in Title 5, section 7019, subsection 3.
- C. "Regional quality of place assets inventory" has the same meaning as in Title 5, section 7019, subsection 4.
- D. "Regional quality of place investment strategy" has the same meaning as in Title 5, section 7019, subsection 5.

2. Regional quality of place investment strategies. If an economic development district chooses to develop a regional quality of place assets inventory and regional quality of place investment strategy, the economic development district shall seek involvement from leading representatives of natural resources-based businesses, tourism, outdoor recreation and leisure, land conservation, arts and culture, historic preservation, downtown and community revitalization and

municipal, transportation and workforce development interests within the region and any other entity that represents regional business or economic development interests, as well as consult with the Maine Quality of Place Council as established in Title 5, chapter 363. In addition to a regional quality of place assets inventory, a regional quality of place investment strategy must include:

A. Identification of sustainable market opportunities that make best use of the region's identified quality of place assets;

B. An investment plan that includes one or more initiatives designed to realize the identified market opportunities;

C. Priorities among the region's identified and recommended quality of place investments and initiatives;

D. Opportunities and approaches for leveraging other public and private development activities and funds to support the regional quality of place investment strategy; and

E. A plan to achieve full implementation, monitoring and measurement of the results of the regional quality of place investment strategy.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 5, section 7020, subsection 2, of the initial appointments of the private citizen members of the Maine Quality of Place Council, 2 members must be appointed for 2-year terms, 2 members must be appointed for 3-year terms and 2 members must be appointed for 4-year terms.

See title page for effective date.

CHAPTER 484

H.P. 1168 - L.D. 1640

An Act To Provide for the Safety of Maine Athletes

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

Sec. 1. 29-A MRSA §101, sub-§63-A is enacted to read:

63-A. Roller ski. "Roller ski" means an object affixed to a foot, separately from the other foot, primarily propelled by human power and driven by the operator on the ground via wheels.

Sec. 2. 29-A MRSA §2052, sub-§5, ¶B, as amended by PL 2005, c. 577, §27, is further amended to read:

B. Bicycles, roller skis or other nonmotorized traffic, scooters, motorized bicycles or tricycles or motorized scooters.

Sec. 3. 29-A MRSA §2060, sub-§1-A, as enacted by PL 2001, c. 148, §2, is amended to read:

1-A. Right turns near bicyclists or roller skiers. A person operating a vehicle that passes a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn at any intersection or into any road or way unless the turn can be made with reasonable safety.

Sec. 4. 29-A MRSA §2062, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

5. Passing. A motorcycle operator may not overtake or pass in the lane occupied by the vehicle being overtaken, except for passing a bicycle or a roller skier. This subsection does not apply to a law enforcement officer performing an officer's duties.

Sec. 5. 29-A MRSA §2063, as amended by PL 2009, c. 212, §1, is further amended to read:

§2063. Bicycles, roller skis, toy vehicles and scooters

1. Definitions. For the purpose of this section, "bicycle" includes a motorized bicycle, a motorized tricycle or a motorized scooter.

2. Riding to the right. A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall drive on the right portion of the way as far as practicable except when it is unsafe to do so or:

A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction;

B. When preparing for or making a left turn at an intersection or into a private road or driveway;

C. When proceeding straight in a place where right turns are permitted; and

D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.

This subsection does not apply in a municipality that, by ordinance approved by the Department of Public