

# 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.**

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**Augusta, Maine**  
**2010**

**Sec. 49. Working capital advance.** For fiscal year 2010-11, the State Controller is authorized to advance up to \$250,000 from the General Fund to the Medical Use of Marijuana Fund, established under the Maine Revised Statutes, Title 22, section 2430 in the Department of Health and Human Services, to provide start-up funds for the implementation of this Act.

Funds advanced to the Medical Use of Marijuana Fund under this section for fiscal year 2010-11 must be returned to the General Fund on or before June 30, 2011. Repayment of the working capital advance is considered an expense of the Department of Health and Human Services in administering this Act, and funds in the Medical Use of Marijuana Fund may be used to repay the working capital advance provided during fiscal year 2010-11.

On April 1, 2011, the State Controller and the Department of Health and Human Services shall report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs on the status of funds advanced and repaid under this section.

**Sec. 50. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

**Medical Use of Marijuana Fund N107**

Initiative: Allocates funds for the costs of one Social Services Program Specialist II position and one Office Associate II position and other related costs for the administration of the Maine Medical Use of Marijuana Act.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$177,486
All Other	\$0	\$73,659
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$251,145

**Sec. 51. Retroactivity.** This Act applies retroactively to December 23, 2009.

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

Effective April 9, 2010.

**CHAPTER 632  
H.P. 1304 - L.D. 1821**

**An Act Pertaining to Sales Tax  
Exemptions for Products  
Purchased for Agricultural Use**

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

**Sec. 1. 36 MRSA §1760, sub-§7-C,** as enacted by PL 2005, c. 12, Pt. GGG, §2, is amended to read:

**7-C. Products used in animal agriculture.** Sales of breeding stock, semen, embryos, feed, hormones, antibiotics, medicine, pesticides and litter for use in animal agricultural production and sales of anti-septics and cleaning agents used in commercial animal agricultural production. Animal agricultural production includes the raising and keeping of equines.

**Sec. 2. 36 MRSA §1760-D** is enacted to read:

**§1760-D. Determination of exemptions for products used in commercial agricultural or silvicultural production or animal agriculture; information posted on publicly accessible website**

**1. List of products.** The assessor shall post a list of products used in commercial agricultural or silvicultural production or in animal agriculture for which a written definitive determination on the applicability of a sales tax exemption under section 1760, subsection 7-B or 7-C has been made on the bureau's publicly accessible website. The list must include the name of the product, other information necessary to identify the product at the point of sale and the determination of whether or not that product is exempt from sales tax under section 1760, subsection 7-B or 7-C.

When the assessor receives a request in writing for an interpretation on whether or not a product used in commercial agricultural or silvicultural production or in animal agriculture is exempt from sales tax under section 1760, subsection 7-B or 7-C, the assessor shall respond in writing. When the information in the request is sufficient to make a definitive determination on the applicability of the sales tax exemption, the assessor shall within 3 weeks of making the determination add the appropriate information to the list maintained under this section.

**2. Information on processes for appeals and refunds.** The assessor shall provide information on the bureau's publicly accessible website on the process to appeal a determination on the applicability of an exemption to a product under section 1760, subsection 7-B or 7-C and to request a refund for sales tax paid on an exempt product.

Sec. 3. 36 MRSA §2013, sub-§4 is enacted to read:

4. Information on processes for refunds and appeals. The assessor shall post information describing the process for requesting a refund under this section on the bureau's publicly accessible website along with a description of the process to appeal a decision by the assessor under section 2011.

See title page for effective date.

**CHAPTER 633  
S.P. 10 - L.D. 1**

**An Act To Stimulate Capital  
Investment for Innovative  
Businesses in Maine**

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

Sec. 1. 5 MRSA §17057, sub-§4 is enacted to read:

4. Investment activity information. Disclosure of investment activity of the retirement system, pursuant to the innovation finance program, is governed by this subsection.

A. Documentary material, data or information in the possession of the retirement system that consists of trade secrets or commercial or financial information that relates to the investments or potential investments of the retirement system pursuant to the innovation finance program under Title 10, section 1026-T is confidential and not open to public inspection and does not constitute "public records" as defined in Title 1, section 402, subsection 3 if, in the sole discretion of the retirement system, the disclosure of the material, data or information may:

- (1) Impair the retirement system's ability to obtain such material, data or information in the future; or
- (2) May cause substantial harm to the competitive position of the retirement system or of the person or entity from whom the information was obtained.

B. The following information concerning any venture capital fund in which the retirement system is invested pursuant to the innovation finance program under Title 10, section 1026-T is not exempt from disclosure:

- (1) The retirement system's total commitment to the venture capital fund;
- (2) The date of the commitment to the venture capital fund;

(3) Contributions and distributions made to or received from an innovation finance program fund;

(4) The market value of the investment;

(5) The name of the venture capital fund; and

(6) The interim internal rate of return of the venture capital fund.

Sec. 2. 10 MRSA §963-A, sub-§47-D is enacted to read:

47-D. Retirement system. "Retirement system" means the Maine Public Employees Retirement System, established pursuant to Title 5, chapter 421.

Sec. 3. 10 MRSA §963-A, sub-§49-J is enacted to read:

49-J. Targeted technologies. "Targeted technologies" means biotechnology, aquaculture and marine technology, composite materials technology, environmental technology, advanced technologies for forestry and agriculture, information technology and precision manufacturing technology.

Sec. 4. 10 MRSA §1026-T is enacted to read:

**§1026-T. Innovation finance program**

1. Established. The authority may create and oversee a state innovation finance program, referred to in this section as "the program," to increase the supply of venture capital to the economy of the State by improving access by innovative businesses in this State to venture capital funds. Investment performance of the program may be partially guaranteed by refundable tax credits issued by the authority to the retirement system. This section does not mandate or require any investment by the retirement system or give the retirement system any economic development responsibilities, its sole responsibility being to safeguard, invest and increase retirement system assets consistent with its fiduciary duty to its members.

2. Investment goal; guidelines. The goal of the program is to attract more venture capital to innovative businesses in this State by providing the retirement system with an incentive to invest in high-quality venture capital funds that evidence both a commitment to seeking investments in the State and the ability to produce favorable returns to minimize the risk of tax credit redemption. Consistent with this investment goal, the retirement system may, in the exercise of its discretion and consistent with its fiduciary duties to the beneficiaries of the retirement system, apply to the authority for approval under the program for proposed investments in venture capital funds. The authority may approve such a proposed venture capital fund investment under the program if it determines that the venture capital fund will give strong consideration to investing in businesses in this State that fall within the targeted technologies. In making this decision, the