

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Bureau of General Services shall allow private sales of surplus property to:

- A. Nonprofit organizations that contract with the Department of Health and Human Services to provide affordable vehicles to low-income families to assist them in participating in work, education or training;
- B. Homeless shelter sponsors; ~~and~~
- C. Educational institutions; and
- D. Nonprofit organizations that house animals and operate for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.

See title page for effective date.

CHAPTER 10
S.P. 34 - L.D. 61

An Act Implementing a Fisheries Permit Banking Program

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

Sec. 1. 12 MRSA §6022, sub-§17 is enacted to read:

17. Permit banking program. The commissioner may administer a permit banking program in which the department holds federal limited access fishing permits and distributes the rights associated with those permits to eligible residents of the State with the goal of restoring and preserving access to federally managed fisheries. The commissioner may lease fisheries allocations, as required, to fund the costs associated with the permit banking program.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027

Initiative: Allocates funds for one Resource Management Coordinator position and related All Other to administer a permit banking program for the ground-fish industry.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$13,053	\$78,319
All Other	\$2,772	\$10,926

OTHER SPECIAL	\$15,825	\$89,245
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 11
S.P. 167 - L.D. 575

An Act To Extend a Deadline under the Regional Economic Development Revolving Loan Program

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

Whereas, the Regional Economic Development Revolving Loan Program was established in 1993 to provide financial assistance to Maine businesses in order to create and retain jobs and is essential to the future economic growth and prosperity of Maine; and

Whereas, the date until which entities eligible for loan insurance may be eligible for financial assistance under the Finance Authority of Maine's Regional Economic Development Revolving Loan Program has passed; and

Whereas, it is imperative to extend that date to continue to meet the financial needs of Maine businesses; 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. 10 MRSA §1026-M, sub-§7, ¶A, as amended by PL 2009, c. 131, §6, 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) Manufacturing technologies, such as value-added wood products, specialty fabricated metal and electronic products, precision manufacturing and use of composites or advanced materials;

- (2) Technologies, such as advanced information systems, advanced telecommunications, energy and environmental products and services;
- (3) 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 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, 2012, a project or a borrower that is eligible for loan insurance under section 1026-A is eligible for financial assistance under the program.

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

Effective March 31, 2011.

CHAPTER 12
H.P. 42 - L.D. 49

**An Act To Allow Storage of
Lobster Traps on Docks**

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

Sec. 1. 38 MRSA §480-Q, sub-§28, as enacted by PL 2009, c. 75, §4, is amended to read:

28. Release of water from dam after petition by owner for release from dam ownership or water level maintenance. Activity associated with the release of water from a dam pursuant to an order issued by the department pursuant to section 905; ~~and~~

Sec. 2. 38 MRSA §480-Q, sub-§29, as enacted by PL 2009, c. 75, §5, is amended to read:

29. Dam safety order. Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24-; ~~and~~

Sec. 3. 38 MRSA §480-Q, sub-§30 is enacted to read:

30. Lobster trap storage. The storage of lobster traps and related trap lines, buoys and bait bags on docks in, on, over or adjacent to a coastal wetland. For purposes of this subsection, "dock" means a dock, wharf, pier, quay or similar structure built in part on the shore and projected into a harbor and used as a landing, docking, loading or unloading area for watercraft.

See title page for effective date.

CHAPTER 13
H.P. 43 - L.D. 50

**An Act To Allow Provisional
Drivers To Transport Persons
under Guardianship and
Children of Active Military
Personnel**

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

Sec. 1. 29-A MRSA §1311, sub-§1, ¶A, as amended by PL 2009, c. 10, §1, is further amended to read:

A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. For the purpose of this paragraph, "immediate family member" includes a ~~foreign exchange student that is~~ the following when living with the immediate family:

- (1) A foreign exchange student;
- (2) A person who is under court-appointed guardianship of an immediate family member; and
- (3) A child whose parent is deployed for military service and is under guardianship of an immediate family member as provided on a United States Department of Defense Armed Forces Family Care Plan, DA Form 5305 or its successor form.

For the purpose of this paragraph, "deployed for military service" means assigned to active military duty with the state military forces, as defined in