

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

Provides funds to the LifeFlight Foundation for weather observation stations and for helipads in rural communities with a history of high use or in remote locations to improve safety and access to emergency medical services to be matched by at least \$300,000 in funding from local government sources.

Total \$300,000

Provides funds for dredging the established commercial channel at Searsport, which serves the existing port operation at Mack Point, and potential port development on Sears Island, which will make the State eligible for at least \$10,000,000 in federal matching funds.

Total \$3,000,000

Provides funds for material handling equipment for the port at Mack Point to be matched by at least \$2,000,000 from private sources.

Total \$2,000,000

Provides funds for transit buses, which will make the State eligible for at least \$9,000,000 in federal matching funds.

Total \$1,000,000

Provides funds for the Industrial Rail Access Program to be matched by at least \$1,500,000 from private sources.

Total \$1,500,000

Provides funds for warehousing facilities at the port at Eastport.

Total \$1,500,000

Provides funds for aviation facilities, which will make the State eligible for at least \$10,800,000 in federal matching funds.

Total \$1,200,000

Sec. 6. Consultation with business and economic development sector. The Department of Transportation shall consult with the business and economic development sector to determine projects of highest priority to the business and economic development sector and create a stakeholder group consisting of municipal officials, highway safety officials and members of the general public to develop a list of highway and bridge projects by level of priority relating to the safety of the general public.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry

forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued.

Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date.

This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$51,500,000 bond issue for improvements to highways and bridges, local roads, airports and port facilities, as well as for funds for rail access, transit buses and the Life-Flight Foundation, which will make the State eligible for at least \$105,600,000 in federal and other matching funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 698

H.P. 1393 - L.D. 1885

An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund

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

Sec. 1. 10 MRSA §948, sub-§1, ¶F, as amended by PL 1999, c. 401, Pt. AAA, §5, is further amended to read:

F. Providing an annual report to the Governor and the Legislature by January 1st of each regular session of the Legislature setting forth:

- (1) The operations of the fund during the fiscal year;
- (2) The assets and liabilities of the fund at the end of its most recent fiscal year; ~~and~~
- (3) The annual measurable goals and objectives of the fund, as established by the board, and an assessment of the achievement of those goals and objectives. The goals and objectives must include, but may not be limited to, education, research and development; and
- (4) A summary of the research and development projects that have been funded pursuant to paragraph H, including any external funding sources that have been leveraged as a result of these awards;

Sec. 2. 10 MRSA §948, sub-§1, ¶G, as repealed and replaced by PL 1997, c. 683, Pt. A, §4, is amended to read:

G. Protecting all intellectual property in accordance with the "University of Maine System Statement of Policy Governing Patents and Copyrights," including, but not limited to, proprietary information contained in proposals, grants, contracts or other legal agreements. Publication of information may be reasonably delayed until appropriate measures have been taken to protect the intellectual property; ~~and~~

Sec. 3. 10 MRSA §948, sub-§1, ¶H is enacted to read:

H. Apportioning a minimum percentage of the annual disbursements from the fund among the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias and the University of Maine at Presque Isle to support research and development as follows: beginning July 1, 2013 a minimum of 2.5% and beginning July 1, 2015 a minimum of 3%.

Sec. 4. Task force established. The Maine Economic Improvement Fund Task Force, referred to in this section as "the task force," is established to review the Maine Economic Improvement Fund, referred to in this section as "the fund" and recommend any changes necessary to enhance investment in targeted research and development and product innovation and to provide basic investment necessary to ob-

tain matching funds and competitive grants from private and federal sources.

1. Membership. The task force consists of 6 members as follows:

- A. One representative of the University of Maine, appointed by the President of the Senate;
- B. One representative of the University of Southern Maine, appointed by the Speaker of the House;
- C. A representative of one of the public university campuses listed in the Maine Revised Statutes, Title 10, section 948, subsection 1, paragraph H, appointed by the President of the Senate;
- D. A representative of one of the public university campuses listed in the Maine Revised Statutes, Title 10, section 948, subsection 1, paragraph H, appointed by the Speaker of the House;
- E. The Chancellor of the University of Maine System or the chancellor's designee; and
- F. The President of the Maine Maritime Academy or the president's designee.

2. Chair. After all members of the task force have been named, the task force shall elect one member to serve as chair.

3. Duties. The task force shall:

- A. Assess the extent to which past distributions from the fund resulted in the leveraging of external funds, the extent to which research that was funded resulted in long-term, direct applications to enhance the State's economic or commercial capacity and the extent to which research that was funded resulted in advancing a program of successful partnerships and positive economic impact;
- B. Assess the competitive criteria currently used by the fund, review the targeted technologies identified in the Maine Revised Statutes, Title 5, chapter 407 for which funds may be used to perform university-based research and consider options for revising the criteria and targeted technologies to ensure a more equitable distribution of funds; and
- C. Examine the recent fund distributions among the recipients and assess whether revisions to the fund should be made to support the performance of increased research at the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias and the University of Maine at Presque Isle and the performance of research at the Maine Maritime Academy.

4. Meetings. The task force shall meet as necessary to complete the assigned duties.

5. Staffing. The University of Maine System shall provide staff support to the task force within existing resources.

6. Compensation. Members of the task force do not receive compensation for their time, travel or other expenses.

7. Report. The task force shall complete its work no later than December 15, 2012 and shall submit its report and recommendations to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters no later than January 8, 2013.

8. Authority to submit legislation. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters may submit a bill concerning the subject matter of the report to the First Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 699

H.P. 1400 - L.D. 1897

An Act Regarding the Issuance of Licenses by the Gambling Control Board and To Establish a Competitive Bidding Process for Future Operation of Slot Machines and Table Games in the State

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

Sec. 1. 8 MRSA §1011, sub-§2-B is enacted to read:

2-B. Licenses for a slot machine facility or casino issued on or after September 1, 2012. Beginning September 1, 2012, the board may not accept any application for an initial license to operate a slot machine facility or casino or any other gambling facility for which the board has licensing authority where slot machines or table games may be operated; except that the board may accept an application submitted by a federally recognized Indian tribe in the State that was licensed to conduct high-stakes beano at a gaming facility in Washington County as of January 1, 2012 if that tribe is authorized expressly by law to operate slot machines at that gaming facility. This subsection does not apply to a casino licensed for operation in the State as of September 1, 2012.

Sec. 2. 8 MRSA §1018, sub-§1-A is enacted to read:

1-A. Fees for slot machine and casino operator licenses on or after September 1, 2012. Notwithstanding subsection 1, paragraphs C and C-1, beginning September 1, 2012, an applicant for a slot machine operator license or a casino operator license must pay a \$250,000 nonrefundable privilege fee to be submitted with the application for the license and a minimum license fee, or cash bid if the license is part of a competitive bidding process established by law, of \$5,000,000. This subsection does not apply to a casino licensed for operation in the State as of September 1, 2012.

Sec. 3. Commission established to develop a competitive bidding process for the operation of additional casinos or slot machine facilities. Notwithstanding Joint Rule 353, the Commission To Develop a Competitive Bidding Process for the Operation of Additional Casinos or Slot Machine Facilities, known in this section as "the commission," is established as follows.

1. Membership. The membership of the commission is as follows:

A. Two Senators who are not enrolled in the same political party and who serve on the joint standing committee of the Legislature having jurisdiction over casino matters appointed by the President of the Senate. The Senators appointed to serve on the commission pursuant to this paragraph continue to serve until the commission has completed its work;

B. Two members of the House of Representatives who are not enrolled in the same political party and who serve on the joint standing committee of the Legislature having jurisdiction over casino matters appointed by the Speaker of the House. The members of the House of Representatives appointed to serve on the commission pursuant to this paragraph continue to serve until the commission has completed its work;

C. One representative from each federally recognized Indian tribe in the State who expresses interest in serving on the commission appointed by the President of the Senate;

D. A representative of charitable nonprofit organizations, as described in the federal Internal Revenue Code of 1986, Sections 501(c)(8) and 501(c)(10), in the State that conduct beano or games of chance appointed by the Speaker of the House;

E. A representative of veterans' service organizations in the State that conduct beano or games of chance appointed by the Speaker of the House;

F. A representative of the harness horse racing industry in the State appointed by the President of the Senate;