

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

321-B or the Law Court pursuant to section 322, payments may not be suspended while the motion for findings of fact and conclusions of law or appeal is pending. The employer or insurer may recover from an employee payments made pending a motion for findings of fact and conclusions of law or appeal to the division or the Law Court if and to the extent that the hearing officer, division or the Law Court has decided that the employee was not entitled to the compensation paid. The board has full jurisdiction to determine the amount of overpayment, if any, and the amount and schedule of repayment, if any. The board, in determining whether or not repayment should be made and the extent and schedule of repayment, shall consider the financial situation of the employee and the employee's family and may not order repayment that would work hardship or injustice. The board shall notify the Commissioner of Health and Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation identifying the employee who is to receive the compensation. For purposes of this subsection, "employer or insurance carrier" includes the Maine Insurance Guaranty Association under Title 24-A, chapter 57, subchapter 3.

**Sec. 16. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, those sections of this Act that amend Title 39-A, sections 318, 320 and 321-B apply to actions and proceedings that are pending on the effective date of this Act.

See title page for effective date.

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## CHAPTER 64

### S.P. 120 - L.D. 287

#### An Act To Improve Funding of Agricultural Development Projects

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

**Sec. 1. 7 MRSA §306-A, sub-§3,** as enacted by PL 1999, c. 72, §5, is amended to read:

**3. Rulemaking.** The commissioner shall establish, by rule, in a manner consistent with Title 5, chapter 375, subchapter ~~H-A~~ 2-A criteria for the allocation of grant money, application requirements consistent with the provisions of this section, a schedule for accepting and reviewing applications, reporting requirements on grant expenditures and project results and any other administrative requirements necessary for the efficient implementation of this program. Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chap-

ter 375, subchapter ~~H-A~~ 2-A. The commissioner is guided by the following criteria:

A. Applications may be submitted by individuals, firms or organizations in response to a request for proposals for competitive grants. The commissioner may also contract directly with individuals, firms or organizations for a special project under section 307;

B. ~~At least 25% A percentage~~ of the total cost of any project must be funded by the applicant or applicants and ~~at least 10% a percentage~~ of the total cost must be funded from nonpublic sources. These percentages must be established by rule. A single grant may not exceed 20% 50% of the total funds available to be granted in a given year; however, in no case may a single grant exceed \$30,000;

C. Information relative to market research or development activities provided to the commissioner prior to formal application, included in grant applications or provided to the commissioner to fulfill reporting requirements is confidential information and may not be publicly disclosed by the commissioner as long as:

(1) The person to whom the information belongs or pertains has requested that certain information be designated as confidential; and

(2) The commissioner has determined that the information gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to the information or will result in loss of business or other significant detriment to the person making the request if access is provided to others; and

D. When possible, the commissioner shall award grants to applicants representing diverse agricultural enterprises and geographic areas of the State.

**Sec. 2. 7 MRSA §306-A, sub-§4,** as enacted by PL 1999, c. 72, §5, is amended to read:

**4. Advisory committee.** The commissioner shall establish the Agricultural Development Committee to evaluate market and production development competitive grant applications and review project results.

**Sec. 3. 7 MRSA §307,** as amended by PL 1999, c. 72, §6, is further amended to read:

#### §307. Special projects

The commissioner may contract directly with the University of Maine System or qualified individuals, firms or organizations for market research, for testing new technologies and for research on pressing, short-term technical problems related to the production,

marketing, storage and processing of agricultural commodities.

See title page for effective date.

**CHAPTER 65**

**H.P. 198 - L.D. 289**

**An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products**

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

**Sec. 1. 7 MRSA §412, first ¶**, as amended by PL 1985, c. 779, §33, is further amended to read:

The commissioner shall research and prepare information designed to develop and promote direct-marketing. The commissioner shall consult with the farm community, with the faculty of the College of Natural Sciences, Forestry and Agriculture of the University of Maine System, and with the various county extension agents in compiling information under this section. The information ~~shall~~ must include, but not be limited to, the following:

**Sec. 2. 7 MRSA §414**, as amended by PL 1985, c. 779, §34, is further amended to read:

**§414. Assistance**

The commissioner shall assist and advise individual farmers or groups of farmers in their efforts to market more effectively directly to consumers by:

**1. Soliciting participation.** Informing farmers of, and soliciting their participation in, any proposed method of direct-marketing; and

~~**2. Technical assistance.** Providing technical assistance in such areas as lease and contract negotiation; and~~

**3. Referral.** Referring farmers to other appropriate sources of assistance, ~~such as the University of Maine System, College of Agriculture, the county extension offices and the United States Department of Agriculture.~~

See title page for effective date.

**CHAPTER 66**

**S.P. 170 - L.D. 438**

**An Act To Add Trailers to the Additional Versions or Classes of a Specialty Plate**

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

**Sec. 1. 29-A MRSA §468, sub-§10**, as amended by PL 2011, c. 356, §5, is further amended to read:

**10. Additional versions or classes of the specialty plate.** The Secretary of State may issue a specialty plate in a motorcycle, trailer or commercial vehicle class if:

A. At least 10,000 sets of the specialty plate have been issued for automobiles and pickup trucks;

B. The sponsor of the specialty plate under this subsection provides a list of 500 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the motorcycle, trailer or commercial vehicle class of specialty license plate; and

C. The sponsor collects from each supporter who signs the statement under paragraph B a contribution of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of \$12,500, which is nonrefundable.

Upon receipt of the \$12,500 provided under paragraph C, the Secretary of State shall prepare enabling legislation and a proposed plate design for submission to the Legislature and shall deposit the \$12,500 in the Specialty License Plate Fund established under section 469.

See title page for effective date.

**CHAPTER 67**

**S.P. 111 - L.D. 278**

**An Act To Provide Greater Access to Capital for Certain Businesses through Assignment of Benefits under the Business Equipment Tax Reimbursement Program and the Maine Employment Tax Increment Financing Program**