

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time.

Sec. 3. 29-A MRSA §2412-A, sub-§5, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

5. Prior convictions. For purposes of this section, a prior conviction or suspension has occurred within a 10-year period if the date of the suspension or the ~~docket entry of a judgment of conviction by the clerk~~ imposition of sentence is 10 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.

Sec. 4. 29-A MRSA §2451, sub-§3, as amended by PL 2009, c. 54, §§1 to 3 and affected by c. 415, Pt. C, §§2 and 3, is further amended to read:

3. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

- A. ~~Ninety One hundred and fifty days~~, if the person has one OUI conviction within a 10-year period;
- B. Three years, if the person has 2 OUI offenses within a 10-year period; ~~or~~
- C. Six years, if the person has 3 ~~or more~~ OUI offenses within a 10-year period; ~~or~~
- E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or a ~~docket entry of judgment of conviction~~ imposition of sentence.

See title page for effective date.

**CHAPTER 605
H.P. 734 - L.D. 1043**

**An Act To Improve the
Regional Economic
Development Revolving Loan
Program**

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

Sec. 1. 10 MRSA §1026-M, sub-§2, as amended by PL 1999, c. 401, Pt. OOO, §1, is further amended to read:

2. Eligible corporations. The fund is open to local, regional and statewide nonprofit or governmental economic development corporations or entities; that are capable of providing financial assistance to businesses in order to create and protect jobs, as well as revitalize downtowns and build strong communities and a sustainable economy, referred to in this section as "corporations." In the case of loans to quality child care projects, the authority may also provide loans directly to eligible borrowers. To be eligible for assistance from the fund:

A. A corporation must apply to the authority to participate in the fund. The application must describe the corporation and its funding sources, the region or regions it serves, its methods and criteria for qualifying borrowers, including any targeted lending and economic development strategies, its expertise in management assistance and financing of small and emerging businesses, the method by which it will leverage funds from other sources in an amount at least equal to 2 times the amount requested from the fund and other information the authority determines necessary;

B. A corporation must have a strategy for the creation and retention of jobs, an effective small business marketing and technical assistance plan and enough expert assistance available to it to underwrite, document and service loans and assist its clients or it must have a strategy for real estate development including commercial and mixed-use real estate and community facilities;

C. The corporation must be determined by the authority to be able to prudently and effectively administer a direct loan fund and to coordinate with other business assistance programs and employment training and social assistance programs;

D. The corporation must propose performance measurements and goals and a process for monitoring compliance with proposed measurements and goals. The authority shall assist corporations in developing loan or equity-like debt underwriting and administrative capacity and in portfolio monitoring and servicing and may establish one or more advisory boards or committees to assist corporations; and

E. A child care project must apply to the authority or to a corporation and meet the eligibility criteria for a borrower.

Sec. 2. 10 MRSA §1026-M, sub-§3, ¶¶A and C, as enacted by PL 1993, c. 722, Pt. C, §1 and affected by §2, are amended to read:

A. The size of the region or regions served by the corporation and the expected demand for loan funds in that region or those regions;

C. Whether an eligible corporation will serve statewide or will serve a geographic area or segment of potential business borrowers not served by other applicants.

Sec. 3. 10 MRSA §1026-M, sub-§5, as amended by PL 2001, c. 639, §2, is further amended to read:

5. Administrative costs. A corporation may not use any money disbursed from the fund by the authority for administrative expenses, but may charge a commitment fee of up to 2% and may use interest earnings not to exceed 7% of each loan annually on loans to cover reasonable ~~administrative, technical assistance and education costs~~ operating costs, including loan fund management, technical assistance and education. The authority shall review and approve a corporation's administrative expenses on an annual basis. The authority may establish by rule reasonable administrative fees for its administration of the fund.

Sec. 4. 10 MRSA §1026-M, sub-§6, ¶A, as amended by PL 2009, c. 131, §4, is further amended to read:

A. Loans may not exceed ~~\$250,000~~ \$350,000 to a borrower, including an affiliated entity, and approval of the authority is required for any loan in excess of \$150,000. ~~Loans for quality child care projects may not exceed \$100,000 to a borrower.~~ Loans or portions of loans to a quality child care project to be used solely for lead abatement may not exceed \$15,000.

Sec. 5. 10 MRSA §1026-M, sub-§6, ¶B, as amended by PL 2009, c. 131, §5, is further amended to read:

B. Loans ~~over \$100,000~~ of \$50,000 or more for borrowers other than quality child care projects may not exceed ~~1/3~~ 1/2 of the net new funds being provided to a borrower. ~~Loans of \$50,000 to \$100,000 for projects other than quality child care projects may not exceed 1/2 of the net new funds being provided to a borrower.~~ Loans of less than \$50,000 and loans for quality child care projects may be for the total amount of new funds being provided to the borrower.

Sec. 6. 10 MRSA §1026-M, sub-§6, ¶C, as amended by PL 2007, c. 683, Pt. B, §1, is further amended to read:

C. The authority and each corporation shall establish interest rates, amortization schedules and repayment terms for each borrower, except that loans may not be for a term longer than 20 years and:

- (1) Loans to a quality child care project must bear a rate of interest ~~equal to 3%, not including any administrative costs or fees~~ not greater than 5%; or

- (2) Loans to any other eligible borrower may not bear a rate of interest greater than the prime rate of interest plus 7%.

Sec. 7. 10 MRSA §1026-M, sub-§7, ¶A, as amended by PL 2011, c. 11, §1, is further amended to read:

A. The business for which funds are requested has ~~50~~ 100 or fewer employees or annual sales of ~~\$5,000,000~~ \$10,000,000 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~~ Value-added natural resource enterprises and 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 ~~40~~ 15 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;
- (9) A business significantly engaged in commercial and mixed-use real estate and community facilities; and
- (10) A business significantly engaged in serving tourists, such as in the areas of outdoor recreation, culture and heritage and hospitality.

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.

Sec. 8. 10 MRSA §1026-M, sub-§8, as enacted by PL 1993, c. 722, Pt. C, §1 and affected by §2, is amended to read:

8. Priorities. Among eligible applicants, a corporation shall give priority to businesses and projects with the potential of meeting one or more of the following objectives.

A. The financing will help the business pursue a business that adds significant value to raw materials or inventory.

B. The financing is likely to result in a long-term net increase in permanent, quality jobs that meet a local or regional need or the retention of jobs in jeopardy of being lost.

Sec. 9. Contingent effective date. This Act does not take effect until the effective date of an act of the Legislature that appropriates or allocates a sum of at least \$1,000,000 to the Finance Authority of Maine for the Regional Economic Development Revolving Loan Program and that specifies that the funds are appropriated or allocated for the purposes of this Act. The Finance Authority of Maine shall notify the Revisor of Statutes and the Secretary of State when the funds are appropriated or allocated by the Legislature pursuant to this section.

See title page for effective date, unless otherwise indicated.

CHAPTER 606

H.P. 1357 - L.D. 1862

An Act To Enhance the Availability of Special Restricted Licenses in Cases of Medical Need

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

Whereas, this legislation authorizes the Secretary of State to issue special restricted licenses to persons who are 15 years of age; and

Whereas, it is imperative to authorize this special restricted license to persons affected by exigent medical circumstances as soon as possible; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRSA §1256, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A person who has reached 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational ~~or~~ employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.

Sec. 2. 29-A MRSA §1256, sub-§1, as amended by PL 2001, c. 671, §21 and PL 2003, c. 545, §5, is further amended to read:

1. Educational need. A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, ~~after passing an examination for operation of a motor vehicle as provided in section 1301,~~ and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

- (1) A signed notarized statement from the applicant and the applicant's parent or guardian that:
 - (a) No readily available alternative means of transportation exists; and
 - (b) Use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education or a career and technical education center or region that the applicant is attending;
- (2) A verification of school attendance; and
- (3) A statement by the principal of the school of the lack of a readily available alternative means of transportation.

B. ~~This license~~ A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).