

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

D. "State employee" means an employee in the unclassified or classified service under chapters 71 and 372.

Sec. 3. 5 MRSA §1828, sub-§4 is enacted to read:

4. Office equipment to state employees. Notwithstanding any requirement of this chapter or rules adopted pursuant to this chapter, the Department of Administrative and Financial Services, Bureau of General Services shall allow private sales of office equipment to state employees for the purpose of furnishing those employees' home offices to facilitate their working remotely from home. The Bureau of General Services shall establish the price of office equipment for private sale to state employees in the same manner and at the same price as for public sale pursuant to section 1813, subsection 6. State employees who purchase office equipment pursuant to this subsection accept the property without warranties or guarantees, either expressed or implied. For purposes of this subsection, "office equipment" means equipment and furniture used for business or professional purposes, including but not limited to desktop and laptop computers, monitors, printers, miscellaneous computer components, desks, tables, chairs and filing cabinets. The Department of Administrative and Financial Services may further define "office equipment" in rulemaking. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 500

H.P. 1325 - L.D. 1774

An Act Clarifying the Rights to Legal Representation and To Communicate with Others for Individuals Subject to Guardianship

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

Sec. 1. 18-C MRSA §5-310, sub-§2, as amended by PL 2019, c. 417, Pt. A, §35, is repealed and the following enacted in its place:

2. Rights retained. An adult subject to guardianship retains the following rights:

A. The right to vote, unless the court orders otherwise. A court order removing the right to vote must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process;

B. The right to marry, unless the court orders otherwise. A court order removing the right to marry

or placing conditions on the right to marry must include findings that support the removal of the right to marry or support conditions on the right to marry; and

C. The right to retain an attorney for any reason and to communicate freely with counsel, the court, an ombudsman or any advocate for the adult subject to guardianship, including an advocate of the adult subject to guardianship's choosing or a person authorized by law to advocate for the adult subject to guardianship. A person may not interfere with the right of an adult subject to guardianship to retain an attorney or communicate as described in this paragraph.

Sec. 2. 18-C MRSA §5-315, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §44, is repealed.

See title page for effective date.

CHAPTER 501

H.P. 1334 - L.D. 1793

An Act To Support Statewide Economic Recovery through Strategic Investments

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

Sec. 1. 5 MRSA §13058, sub-§2-B is enacted to read:

2-B. Make grants; equity investments; loans; contractual arrangements. The commissioner may make, alone or in participation or cooperation with other persons, direct equity investments in, grants or loans to or any other contractual arrangement allowed by law with private entities for the purposes of encouraging and supporting economic and business growth, rural manufacturing and industrial site redevelopment and implementation of a strategic plan. As a condition of a disbursement of funding in whatever form to a private entity for purposes described in this subsection, the department may require from the private entity satisfactory evidence that the private entity has invested matching funds in an equal amount for the same purposes. Matching funds may be in the form of debt or equity investment as long as the financial commitment is for a minimum of 5 years.

Sec. 2. 5 MRSA §13058, sub-§3, ¶B is enacted to read:

B. The commissioner shall adopt rules to distribute funds or assistance pursuant to subsection 2-B. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 3. 5 MRSA §13058, sub-§5, ¶I, as amended by PL 1999, c. 776, §4, is further amended to read:

I. Within available resources, the status of investments in business in the State; ~~and~~

Sec. 4. 5 MRSA §13058, sub-§5, ¶J, as enacted by PL 1999, c. 776, §5, is amended to read:

J. The extent to which the purposes of the Maine Downtown Center are being met; and

Sec. 5. 5 MRSA §13058, sub-§5, ¶K is enacted to read:

K. The recipients, amounts and outcomes of grants, loans or other direct funding made or provided to private entities pursuant to subsection 2-B for activities that are not otherwise required by a specific program's authorizing statute or appropriation to be reported to the Legislature.

See title page for effective date.

CHAPTER 502

H.P. 1341 - L.D. 1800

**An Act To Amend the Laws
Governing the Small
Enterprise Growth Program**

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

Sec. 1. 10 MRSA §382, sub-§4-A is enacted to read:

4-A. Qualifying venture fund. "Qualifying venture fund" means a venture capital fund that is managed by an entity other than the board and that the board finds demonstrates the potential to contribute venture capital funding in a manner that promotes economic growth in the State.

Sec. 2. 10 MRSA §383, sub-§1-B is enacted to read:

1-B. Investment in other funds. The board may invest program money in a qualifying venture fund subject to an agreement that directs a portion of the money in the qualifying venture fund into companies based in the State that employ 50 or fewer employees or that have gross sales not exceeding \$5,000,000 within the most recent 12 months for which financial statements are available.

Sec. 3. 10 MRSA §383, sub-§3, as enacted by PL 2009, c. 475, §4, is amended to read:

3. Management fees. The board may charge and accept management fees for management of money placed in ~~program funds~~ the fund or a side fund other than money placed directly by the State. The board may

approve payment of management fees to a fund manager hired to manage a side fund or to a fund manager for a qualifying venture fund for which the board is a limited partner.

Sec. 4. 10 MRSA §384, sub-§2, as enacted by PL 1995, c. 699, §3, is amended to read:

2. Chair Officers. The board shall annually elect a chair, ~~vice-chair and treasurer~~ from among its members.

Sec. 5. 10 MRSA §384, sub-§3, as amended by PL 1999, c. 504, §3, is further amended to read:

3. Terms. The members other than the Commissioner of Economic and Community Development or the commissioner's designee serve for ~~2-year~~ 3-year terms and may be reappointed for up to ~~3~~ 2 consecutive terms. A member may serve for more than ~~3-2-year~~ 2 ~~3-year~~ terms if the terms are not consecutive.

Sec. 6. 10 MRSA §386, first ¶, as enacted by PL 1995, c. 699, §3, is amended to read:

A qualifying venture fund or a qualifying small business may be eligible to receive financial assistance under the program. In order to be eligible for financial assistance under the program, a qualifying venture fund must meet the requirements of section 383, subsection 1-B. In order for a qualifying small business to be eligible for financial assistance under the program, a qualifying small business must meet the following criteria must be met.

Sec. 7. 10 MRSA §388, sub-§1, as amended by PL 2001, c. 541, §2, is further amended to read:

1. Disbursements. Initial disbursements may not exceed \$500,000 to a qualifying venture fund or qualifying small business, including an affiliated entity. An initial disbursement plus any subsequent disbursements in the aggregate to a qualifying venture fund or qualifying small business may not exceed an amount equal to ~~10 percent~~ % of the capitalization of the fund from all appropriations received for application to the fund, plus any funds received from repayment, interest, royalties, equities or other interests in business enterprises, products or services to the extent the repayment, interest, royalties, equities or other interests are in excess of the amount initially invested in the business making the payments, plus interest accrued on the fund balance and other funds received by the board to be applied to the fund. The board shall report annually by December 20th of each year to the joint standing committee of the Legislature having jurisdiction over business and economic development matters on all disbursements made under this subsection.

Sec. 8. 10 MRSA §389, as enacted by PL 1995, c. 699, §3, is amended to read:

§389. Cooperation and coordination