

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

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

The University of Maine System, the Small Business Development Center Program, the Maine ~~World International Trade Association and the Maine Science and Technology Foundation~~ Center and the Maine ~~Technology Institute~~ shall provide such support and assistance as the board may request, within the expertise of each.

Sec. 9. Terms of current board members. Notwithstanding the Maine Revised Statutes, Title 10, section 384, a member of the Small Enterprise Growth Board serving on the effective date of this Act:

1. Shall serve a term ending on the 3rd anniversary of the date on which the member's term began; and
2. May be appointed to a term to begin immediately following the end of the member's term only if the member has not served for 6 consecutive years as of the date of the end of the term.

See title page for effective date.

CHAPTER 503

H.P. 1342 - L.D. 1801

An Act To Modify Exemptions for Certain Storm Water Discharges to Class AA and SA Waters

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

Whereas, current law enacted in 1999 that established an exemption for certain discharges of storm water to Class AA and SA waters has been disapproved by the United States Environmental Protection Agency; and

Whereas, this disapproval creates regulatory uncertainty for the legality of certain existing discharges of storm water, and potential future discharges of storm water, to Class AA and SA waters; and

Whereas, this uncertainty may have significant economic impacts on certain dischargers of storm water to Class AA and SA waters; and

Whereas, in order to avoid these adverse consequences, modification of the exemption for certain discharges of storm water to Class AA and SA waters is appropriate and necessary; 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. 38 MRSA §464, sub-§4, ¶F, as amended by PL 1991, c. 66, Pt. B, §1, is further amended by amending subparagraph (2) to read:

(2) Where high quality waters of the State constitute an outstanding national resource, that water quality must be maintained and protected. For purposes of this paragraph, the following waters are considered outstanding national resources: those water bodies in national and state parks and wildlife refuges; public reserved lands; and those water bodies classified as Class AA and SA waters pursuant to section 465, subsection 1; section 465-B, subsection 1; and, unless otherwise specified, listed under sections 467, 468 and 469.

Sec. 2. 38 MRSA §465, sub-§1, ¶C, as amended by PL 2021, c. 50, §§1 and 2, is further amended by amending subparagraph (1) to read:

(1) Storm water discharges that are in compliance with state and local requirements are allowed: if one or more of the following conditions are met:

(a) The storm water discharge existed prior to the waters' being classified as Class AA with a designation as an outstanding national resource as described in section 464, subsection 4, paragraph F, subparagraph (2), including storm water discharges that existed prior to designation of the waters as an outstanding national resource and are not licensed by the department or were not relicensed for some duration after the waters' designation as an outstanding national resource. This division does not authorize new or increased storm water discharge;

(b) For storm water discharges requiring a general permit for construction, the discharge is temporary and short term and does not permanently degrade water quality. For the purposes of this division, a discharge is temporary and short term if the discharge occurs only during the time necessary to construct a facility to make it operational. Best management practices must be used during such construction; or

(c) The Class AA water is not designated as an outstanding national resource as described in section 464, subsection 4, paragraph F, subparagraph (2) and sections 467 and 468.