

# Agenda Packet 3/31

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## WEEKLY SCHEDULE

### Criminal Justice and Public Safety

Week of 3/28/2022 - 4/1/2022

**Monday: 3/28/2022**

**Tuesday: 3/29/2022**

**10:00 AM HOUSE & SENATE IN SESSION**

**Wednesday: 3/30/2022**

**Thursday: 3/31/2022**

**10:00 AM HOUSE & SENATE IN SESSION**

**3:00 PM Or as soon thereafter as House and Senate have both adjourned -  
Legislative Meeting**

- Rule 319 review on LD 1923 establishing the Maine Space Corporation - pg 15
- Language review on LD 1175 on prison and jail phone rates. - pg 24-25
- Language review on majority committee bill LR 2663 on respectful language. - pg 26

**Friday: 4/1/2022**

CONTACT: Deborah Fahy, Committee Clerk  
100 State House Station, Augusta, ME 04333-0100  
207-287-1122 | [CJPS@legislature.maine.gov](mailto:CJPS@legislature.maine.gov)  
Committee webpage - <http://legislature.maine.gov/committee/#Committees/CJPS>

This meeting will be conducted using the hybrid format. A hybrid meeting is an in-person meeting which includes an option for members and presenters to participate electronically. This meeting format will allow both committee members and presenters the option of participating either in person or via the Zoom online platform and members of the public the option to attend either in person or view electronically on Youtube.

Persons with special needs wishing to participate in a Legislative hearing who require accommodations should notify the Legislative Information Office as soon as possible: 207-287-1692, FAX 207-287-1580, [lio@legislature.maine.gov](mailto:lio@legislature.maine.gov)

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SENATE

GLENN "CHIP" CURRY, DISTRICT 11, CHAIR  
JOSEPH E. RAFFERTY, II, DISTRICT 34  
SCOTT W. CYRWAY, DISTRICT 16



HOUSE

TIFFANY ROBERTS, SOUTH BERWICK, CHAIR  
SARAH PEBWORTH, BLUE HILL  
VALLI D. GEIGER, ROCKLAND  
TAVIS ROCK HASENFUS, READFIELD  
SUSAN BERNARD, CARIBOU  
SUSAN M.W. AUSTIN, GRAY  
JOHN "JACK" E. DUCHARME, III, MADISON  
AMANDA N. COLLAMORE, PITTSFIELD  
JOHN ANDREWS, PARIS  
RAEGAN F. LAROCHELLE, AUGUSTA

RACHEL OLSON, LEGISLATIVE ANALYST  
EVA REED, COMMITTEE CLERK

STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS

TO: Senator Susan A. Deschambeault, Senate Chair  
Representative Charlotte Warren, House Chair  
Joint Standing Committee on Criminal Justice and Public Safety

FROM: Senator Chip Curry, Senate Chair *cc*  
Representative Tiffany Roberts, House Chair *TR*  
Joint Standing Committee on Innovation, Development, Economic  
Advancement and Business

RE: Joint Rule 319 Review of LD 1923, An Act To Establish the Maine Space  
Corporation

DATE: March 30, 2022

Thank you for your consideration and review in accordance with Joint Rule 319 of the majority report for LD 1923, An Act To Establish the Maine Space Corporation. A copy of the bill and the majority report are attached. We understand your review is limited to the impact this bill as amended will have on the criminal justice system.

LD 1923 establishes the Maine Space Corporation, a new public-private corporation similar to already established public-private entities such as the Maine Regional Redevelopment Authority and the Loring Development Authority of Maine.

The majority report requires a public official, member of the board of directors or employee of the corporation who presently owns or controls, or owned or controlled within the preceding 2 years, a direct or indirect interest in property known to be included or planned to be included in a corporation activity to disclose this fact immediately in writing to the board of directors and to have the disclosure entered in the board of director's minutes. The public official, member of the board of directors or employee of the corporation with an interest in property may not participate in an action by the corporation affecting the property. A violation of these provisions is a Class E crime.

This section, including the violation being a Class E crime, is modeled on similar language in Title 5, section 13083-O governing the Midcoast Regional Redevelopment Authority and Title 5, section 13080-H governing the Loring Development Authority, which are attached.

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The fiscal note includes correctional and judicial impact statements that indicate the additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time and the collection of additional fines may increase General Fund or other dedicated revenue by minor amounts. The fiscal note is attached for your reference.

In summary, the establishment of the Class E crime is intended to align the new Maine Space Corporation structure and operating policies with already existing similar private-public entities established by statute.

Thank you for your consideration. We are happy to answer any questions you may have.

cc: Jane Orbeton, OPLA analyst



# 130th MAINE LEGISLATURE

LD 1923

LR 2347(02)

## An Act To Establish the Maine Space Corporation

Fiscal Note for Bill as Amended by Committee Amendment " " "  
Committee: Innovation, Development, Economic Advancement and Business  
Fiscal Note Required: Yes

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### Fiscal Note

Minor cost increase - General Fund  
Minor revenue increase - General Fund

#### Correctional and Judicial Impact Statements

Establishes new Class E crimes

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time. The collection of additional fines may increase General Fund or other dedicated revenue by minor amounts.

#### Fiscal Detail and Notes

This bill creates the Maine Space Corporation as a legal entity to establish the State as a national and international industry destination and an authority in launching small launch vehicles and small satellites into polar orbit. The statutory provisions authorized pursuant to this legislation should result in no financial impact on state government or state finances.

Additional costs to the University of Maine System, the Maine Community College System and the Department of Economic and Community Development associated with having representatives serve on the board of directors and to the Finance Authority of Maine associated with issuing the required certificate of approval related to the issuance of bonds can be absorbed within existing budgeted resources.

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No appropriations/allocations section required.

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# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

Legislative Document

No. 1923

S.P. 678

In Senate, January 20, 2022

### An Act To Establish the Maine Space Corporation

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on January 18, 2022. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator DAUGHTRY of Cumberland.  
Cosponsored by Senators: BREEN of Cumberland, CYRWAY of Kennebec, HICKMAN of Kennebec, Representatives: DODGE of Belfast, Speaker FECTEAU of Biddeford, McCREA of Fort Fairfield, ROBERTS of South Berwick.

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

2 Sec. 1. 5 MRSA c. 393 is enacted to read:

3 CHAPTER 393

4 MAINE SPACE CORPORATION

5 §13201. Maine Space Corporation established

6 The Maine Space Corporation is established as a body corporate and politic to carry  
7 out the purposes of this chapter. The corporation shall leverage the State's geographic,  
8 rocketry, manufacturing and higher education assets and capabilities to establish the State  
9 as a national and international industry destination and an authority in launching small  
10 launch vehicles and small satellites into polar orbit by:

11 1. Properties. Acquiring and managing properties within the geographic boundaries  
12 of the State to develop and operate the Maine Space Complex and its ancillary facilities;

13 2. Permits. Facilitating the acquisition of permits for launch sites from the Federal  
14 Government in order to host launch providers;

15 3. Workforce. Facilitating the creation of a highly skilled workforce and attracting  
16 and retaining young workers in a new space economy. The corporation shall work closely  
17 with the DM system, HCB, career and technical education centers and regions and satellite programs. ↓

18 4. Facilities. Providing facilities for research and development; small rocket and small  
19 satellite manufacturing, integration, testing and evaluation; and education and tourism;

20 5. Education. Enhancing science, technology, engineering and mathematics  
21 education and engagement in kindergarten to grade 12 and higher education curricula  
22 through partnerships with private industry to explore use cases for satellite data;

23 6. Business intelligence. Providing satellite-derived business intelligence for local  
24 industries to improve decision making;

25 7. Businesses and jobs. Facilitating new high-tech and data-driven businesses and  
26 jobs creation;

27 8. Engagement. Serving as a place to engage and inspire the public through  
28 programming;

29 9. Out-of-state. Attracting out-of-state businesses, business visitors and tourists to  
30 the State; and

31 10. Revenue. Creating new revenue and expanding the tax base of the primary impact  
32 communities as an international asset.

33 §13202. Definitions

34 As used in this chapter, unless the context otherwise indicates, the following terms  
35 have the following meanings.

36 1. Board of directors. "Board of directors" means the board of directors of the  
corporation established in section 13203, subsection 4.

③ ... elementary and secondary schools and other organizations in the State to ensure educational training and recruitment programs are in place for the primary purpose of ensuring the availability of a highly skilled workforce to support the State's new space economy

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2. Bond. "Bond" means a bond or note or other evidence of indebtedness authorized under this chapter, whether issued under or pursuant to a bond resolution, trust indenture, loan or other security agreement.

3. Corporation. "Corporation" means the Maine Space Corporation established in section 13201.

4. Maine Space Complex. "Maine Space Complex" or "complex" means the Maine Space Complex established pursuant to section 13203, subsection 1.

5. New space economy. "New space economy" means the full range of decentralized, diversified, entrepreneurial and accessible activities and the use of resources and players across industries that create value and benefits to human beings in the course of exploring, researching, understanding, managing and using extraterrestrial space.

6. Operating revenues. "Operating revenues" means funds available to the corporation from fees, fares and rental or sale of property and miscellaneous revenue and interest not otherwise pledged or dedicated.

7. Primary impact communities. "Primary impact communities" means Aroostook County, Cumberland County and Washington County.

8. Real or personal property. "Real or personal property" means properties and assets purchased by the corporation or transferred to the corporation from federal, state, local and private entities and individuals.

§13203. Maine Space Corporation; powers; board of directors; obligations

1. Maine Space Complex. The Maine Space Corporation shall establish and promote the Maine Space Complex, which must include but is not limited to the following business units:

A. The Maine Space Data and Advanced Analytics Center of Excellence, which must be a state-of-the-art computer center with networks equipped to import or downlink, store, cleanse, manage and analyze satellite data in concert with terrestrial data for the purposes of addressing business and public issues in innovative ways and creating new data products and services;

B. The Maine New Space Innovation Hub, which must be an industry meeting place, a hub for new business incubation and acceleration, facilities for satellite and launch vehicle manufacturing and integration and ground control for satellite launch operations. The shared space must contain specialized equipment to facilitate business research and development, academic and scientific inquiry and a kindergarten to grade 12 learning center and must be designed to attract both in-state and out-of-state interests; and

C. Maine Launch Sites and Services, which must consist of staging and launch sites for sending small vehicles with nanosatellites into polar orbit.

2. Additional powers. The Maine Space Corporation may:

- A. Sue and be sued;
- B. Adopt bylaws or rules consistent with this chapter for the governance of its affairs;
- C. Exercise all of the general powers of corporations under Title 13-C, section 302;

add after Paragraph C:

The corporation shall restrict the Maine Space Complex to commercial, research and educational uses.

Maine Launch Sites and Services shall allocate the use of its staging and launch sites in a manner that prioritizes Maine-based businesses and businesses that minimize the environmental effects of their space vehicles and launches.



1 D. Provide for public safety by imposing appropriate rules, regulating appropriate use  
2 of the complex's facilities and ensuring compliance with rules as they apply to the use  
3 of the complex's facilities;

4 E. Charge and collect fees, charges and rents for the use of the complex's properties  
5 and other services and use the proceeds of those fees, charges and rents for the purposes  
6 provided in this chapter, subject to and in accordance with any agreement with  
7 bondholders that may be made as provided in this chapter;

8 F. Contract with the Federal Government or its instrumentalities or agencies; the State  
9 or its agencies, instrumentalities or municipalities; public bodies; private corporations;  
10 partnerships; associations; and individuals to carry out the purposes of this chapter;

11 G. Accept the aid and cooperation of the Federal Government or its agencies in the  
12 construction, maintenance, reconstruction, operation and financing of the complex's  
13 facilities and take necessary actions to make use of that aid and cooperation;

14 H. Borrow money and apply for and accept advances, loans, grants, contributions and  
15 other forms of financial assistance from the Federal Government, the State, a  
16 municipality or other public body or from other sources, public or private, for the  
17 purposes of this chapter and give any security that is required and enter into and carry  
18 out contracts in connection with any financial assistance;

19 I. Borrow money and make, issue and sell at public or private sale negotiable notes,  
20 bonds and other evidences of indebtedness or obligation of the corporation for the  
21 purposes of this chapter and secure the payment of that indebtedness or obligation or  
22 any part of that indebtedness or obligation by pledge of all or any part of the operating  
23 revenues of the corporation;

24 J. Enter into loan or security agreements with one or more lending institutions,  
25 including, but not limited to, banks, insurance companies and institutions that  
26 administer pension funds, or with trustees of those institutions, for the issuance of  
27 bonds and exercise with respect to those loan or security agreements all of the powers  
28 delineated in this chapter for the issuance of bonds;

29 K. Provide from operating revenues for the maintenance, construction or  
30 reconstruction of facilities to ensure the public safety for which the corporation has not  
31 otherwise provided;

32 L. Adopt rules for the administration of this chapter. Rules adopted pursuant to this  
33 paragraph are routine technical rules pursuant to chapter 375, subchapter 2-A; and

34 M. Take all other lawful action necessary and incidental to these powers.

35 **3. Members of corporation.** Members of the corporation are individuals and  
36 organizations that pay dues to the corporation. Memberships may be set at different levels.

37 A. Members are private individuals, partnerships, small and large businesses, federal,  
38 state and local governmental entities, private and public higher education institutions  
39 and other public or quasi-public entities that are interested in advancing the State's new  
40 space economy.

41 B. Other than the right to vote on matters as specified in the bylaws of the corporation,  
42 the members have no authority to manage or direct the affairs and activities of the  
43 corporation.

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1 4. Board of directors. The Board of Directors of the Maine Space Corporation  
 2 consists of 15 directors, of whom 6 directors are ex officio as specified in paragraph B, and  
 3 9 directors are appointed as specified in paragraph C. Each director is entitled to one vote.  
 4 A. The board of directors has the full authority to direct the affairs and activities of the  
 5 corporation.  
 6 B. Ex officio members of the board of directors are:  
 7 (1) The Commissioner of Economic and Community Development or the  
 8 commissioner's designee;  
 9 (2) The President of the Maine Technology Institute or the president's designee;  
 10 (3) The Chancellor of the University of Maine System or the chancellor's designee;  
 11 (4) The President of the Maine Community College System or the president's  
 12 designee;  
 13 (5) The executive director of the Midcoast Regional Redevelopment Authority or  
 14 the executive director's designee; and  
 15 (6) The executive director of the Loring Development Authority of Maine or the  
 16 executive director's designee.  
 17 C. The members of the board <sup>of directors</sup> who are not ex officio members are appointed by the  
 18 Governor and subject to confirmation by the Senate and must be individuals or  
 19 representatives of organizations that are in a position to advance the purposes and goals  
 20 of the corporation and are able to have a significant impact on improving the State's  
 21 space economy infrastructure as specified in the bylaws of the corporation.  
 22 Membership under this paragraph must include:  
 23 (1) A representative of a business in the State with fewer than 25 employees that  
 24 is involved in the aerospace industry;  
 25 (2) A representative of a business in the State with 25 or more employees that is  
 26 involved in the aerospace industry;  
 27 (3) A resident of Aroostook County, or Piscataquis County;  
 28 (4) A resident of Cumberland County, York County or Androscoggin County;  
 29 (5) A resident of Washington County, Hancock County or Penobscot County;  
 30 (6) A representative of a nonprofit research organization in the State that uses  
 31 satellite-based data;  
 32 (7) A representative of an elementary or secondary school in the State;  
 33 (8) A representative of a business that is involved in innovation and research and  
 34 development in satellite development and manufacturing, data and analytics or  
 35 launch services; and  
 36 (9) A representative of business investors.  
 37 The terms of the members of the board of directors who are not ex officio members  
 38 must be staggered as specified in the bylaws of the corporation.  
 39 D. The board of directors shall elect a chair and vice-chair from among its members.  
 40 The corporation may employ an executive director, technical experts and other agents

(6) A resident of Waldo County, Knox County, Lincoln County, Sagadahoc County or Kennebec County;  
 (7) A resident of Somerset County, Franklin County or Oxford County;

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1 and employees, permanent and temporary, as required and may determine their  
2 qualifications, duties and compensation. For required legal services, the corporation  
3 may employ or retain its own counsel and legal staff.

4 E. For transacting business at board meetings, a majority of directors then in office  
5 constitutes a quorum. The vote of a majority of the directors present at board meetings  
6 constitutes the act of the board of directors.

7 5. Liability. The liability of the corporation is governed by the Maine Tort Claims  
8 Act. A member of the board of directors or an employee of the corporation is not subject  
9 to any personal liability for having acted in the service of the member's or employee's duty  
10 as a member of the board of directors or an employee of the corporation within the course  
11 and scope of membership or employment to carry out a power or duty under this chapter.  
12 The corporation shall indemnify a member of the board of directors or an employee of the  
13 corporation against expenses actually and necessarily incurred in connection with the  
14 defense of an action or proceeding in which a member of the board of directors or an  
15 employee of the corporation is made a party by reason of past or present association with  
16 the corporation.

17 6. Expenses. A member of the board of directors is not entitled to receive  
18 compensation for services to the corporation but is entitled to receive reimbursement for  
19 necessary expenditures, including travel expenses incurred in carrying out those services.

20 **§13204. Use of operating revenues**

21 1. Principal use of revenues. Operating revenues must be used principally to reinvest  
22 in the properties held by the corporation.

23 2. Permitted liability limited. All expenses incurred in carrying out the provisions  
24 of this chapter must be paid solely from funds provided by the corporation, and liability or  
25 obligation may not be incurred under this chapter beyond the extent to which funds have  
26 been provided by the corporation.

27 3. Equal opportunity employers. Contractors and subcontractors on corporation  
28 construction and reconstruction projects must be equal opportunity employers and, for  
29 contracts of more than \$250,000, shall pursue in good faith affirmative action programs as  
30 defined in section 782.

31 **§13205. Property of corporation**

32 The corporation may hold and acquire property as set out in this section.

33 1. Lease or sale. Properties may be leased, purchased or sold to develop and operate  
34 the Maine Space Complex as determined appropriate by the corporation. Resources  
35 acquired as a result of the lease or sale of these properties become operating revenues or  
36 assets of the corporation.

37 2. Authority for transfers of interest in land to corporation. Upon the corporation's  
38 request, on reasonable and fair terms and conditions and without the necessity for  
39 advertisement, order of court or action or formality other than the regular and formal action  
40 of the authorities concerned, counties, municipalities, public agencies or instrumentalities  
41 of the State, public service corporations and special districts may lease, lend, grant or  
42 convey to the corporation real or personal property or rights in that property that may be  
43 necessary or convenient for the effectuation of the authorized purposes of the corporation.

1 including real and personal property or rights in that property already devoted to public  
2 use. As used in this subsection, "public service corporation" includes a public utility as  
3 defined in Title 35-A, section 102, subsection 13 and a corporation under Title 13-C.

4 **§13206. Maine Space Complex Fund**

5 1. Maine Space Complex Fund established. There is established a nonlapsing fund  
6 to be known as the Maine Space Complex Fund, referred to in this section as "the fund,"  
7 for the purpose of receiving funds from the State and gifts, grants, devises, bequests, trusts  
8 or security documents to support the operations of the corporation and the Maine Space  
9 Complex. The State shall credit to the fund any appropriation made to the corporation in  
10 the fiscal year in which the appropriation is made.

11 A. The fund must be used to:

12 (1) Purchase, lease, acquire, own, improve, use, sell, convey, transfer or otherwise  
13 deal in and with a corporation property, a corporation project or any interest in the  
14 corporation property or corporation project, whether tangible or intangible, as  
15 otherwise authorized under this chapter;

16 (2) Pay the costs of operating, maintaining, improving and repairing all property  
17 and projects of the corporation;

18 (3) Pay the costs of administering and operating the corporation, including, but  
19 not limited to, all wages, salaries, benefits and other expenses authorized by the  
20 board of directors or the executive director;

21 (4) Pay the principal and premium, if any, and the interest on the outstanding bonds  
22 of the corporation related to a corporation property or corporation project as they  
23 become due and payable;

24 (5) Create and maintain reserves required or provided for in any law authorizing  
25 or any security document securing the bonds of the corporation related to a  
26 corporation property or corporation project;

27 (6) Create and maintain a capital improvement fund for a corporation property and  
28 corporation project established by the board of directors;

29 (7) Pay all taxes owed by the corporation related to a corporation property or  
30 corporation project; and

31 (8) Pay all expenses incident to the management and operation of the corporation.

32 B. The fund constitutes a continuing appropriation for the benefit of the corporation.  
33 Any amount remaining in the fund at the close of any fiscal year is carried over and  
34 credited to the fund for the succeeding year.

35 C. Money in the fund must be paid to the corporation on manifests approved by the  
36 Governor and Legislature in the same manner as other state claims are paid.

37 D. The revenues received by and due to the corporation from all sources other than  
38 state appropriation must be retained by the corporation and must be used in such a  
39 manner as the board of directors determines consistent with the provisions of this  
40 section or as otherwise provided by law or by the terms and conditions of any gift,  
41 grant, devise, bequest, trust or security document.

42 **§13207. Bonds**

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1. Hearing required. The corporation may issue bonds to finance its activities only after giving notice of the proposed issuance and its terms at least twice in a newspaper of general circulation in the appropriate primary impact community and holding a duly advertised public hearing on the issuance.

2. Authority. The corporation may issue bonds from time to time in its discretion to finance the undertaking of an authorized activity under this chapter, including, but not limited to, the payment of principal and interest upon advances for surveys and plans, and may issue refunding bonds for the payment or retirement of bonds previously issued.

A. The principal and interest of bonds must be made payable solely from the income, proceeds, revenues and funds of the corporation derived from or held for activities under this chapter. Payment of the principal and interest of bonds may be further secured by a pledge of a loan, grant or contribution from the Federal Government or other source in aid of activities of the corporation under this chapter and by a mortgage of an urban activity or a project or part of a project, title to which is in the corporation.

B. Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and are not subject to other laws or charters relating to the authorization, issuance or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential public and governmental purpose and, together with interest on and income from the bonds, are exempt from all taxes.

C. Bonds may not be issued by the corporation until the corporation has received a certificate of approval from the Finance Authority of Maine authorizing issuance of the bonds. Before issuing a certificate of approval under this section, the Finance Authority of Maine must determine that there is a reasonable likelihood that the income, proceeds, revenues and funds of the corporation derived from or held for activities under this chapter or otherwise pledged to payment of the bonds will be sufficient to pay the principal, the interest and all other amounts that may at any time become due and payable under the bonds. In making this determination, the Finance Authority of Maine shall consider the corporation's analysis of the proposed bond issue and the revenues to make payments on the bonds and may require such information, projections, studies and independent analyses as it considers necessary or desirable and may charge the corporation reasonable fees and expenses. The issuance by the Finance Authority of Maine of a certificate of approval under this section does not constitute an endorsement of the bonds or the projects or purposes for which those bonds are issued, and the corporation or any other person or entity, including, without limitation, any holder of bonds of the corporation, has no cause of action against the Finance Authority of Maine with respect to any certificate of approval. The Finance Authority of Maine may require that it be indemnified, defended and held harmless by the corporation for any liability or cause of action arising with respect to the bonds.

3. General characteristics. Bonds authorized under this section may be issued in one or more series. The resolution, trust indenture or mortgage under which the bonds are issued may include the following:

- A. The date or dates borne by the bonds;
- B. Whether the bonds are payable upon demand or mature at a certain time or times;

- 1            C. The interest rate or rates of the bonds;
- 2            D. The denomination or denominations of the bonds;
- 3            E. The form of the bonds, whether coupon or registered;
- 4            F. The conversion or registration privileges carried by the bonds;
- 5            G. The rank or priority of the bonds;
- 6            H. The manner of execution of the bonds;
- 7            I. The medium and place or places of payment of the bonds;
- 8            J. The terms of redemption of the bonds, with or without premium;
- 9            K. The manner in which the bonds are secured; and
- 10           L. Any other characteristics of the bonds.

11           **4. Price sold. The bonds may be:**

- 12           A. Exchanged for other bonds on the basis of par;
- 13           B. Sold to the Federal Government at private sale at not less than par. If less than all
- 14           of the authorized principal amount of the bonds is sold to the Federal Government, the
- 15           balance may be sold at private sale at not less than par at an interest cost to the
- 16           corporation that does not exceed the interest cost to the corporation of the portion of
- 17           the bonds sold to the Federal Government; or
- 18           C. Sold to a person on such terms as the corporation may negotiate.

19           **5. Signatures of outgoing officers; negotiability.** If an official of the corporation  
 20           whose signature appears on a bond or coupon issued under this chapter ceases to be an  
 21           official before the bond is delivered, the signature is nevertheless valid for all purposes as  
 22           if the official had remained in office until the delivery. Notwithstanding contrary  
 23           provisions of law, bonds issued under this chapter are fully negotiable.

24           **6. Bond recitation; conclusive presumptions.** In actions or proceedings involving  
 25           the validity or enforceability of a bond issued under this chapter or the security for that  
 26           bond, a bond reciting in substance that it has been issued by the corporation in connection  
 27           with an activity is conclusively deemed to have been issued for that purpose and the activity  
 28           is conclusively deemed to have been planned, located and carried out in accordance with  
 29           this chapter.

30           **7. No personal liability; not debt of State.** A member of the board of directors and  
 31           the person executing the bonds are not liable personally on the bonds by reason of the  
 32           issuance of the bonds. The bonds and other obligations of the corporation must have stated  
 33           on their face that they are not a debt of the State and that the State is not liable on the bonds.  
 34           The bonds or obligations may not be payable out of funds or properties other than those of  
 35           the corporation acquired for the purposes of this chapter.

36           **8. Bonds as legal investments.** Public officers, municipal corporations, political  
 37           subdivisions and public bodies; banks, trust companies, bankers, savings banks and  
 38           institutions, building and loan associations, savings and loan associations, investment  
 39           companies and other persons carrying on a banking business; insurance companies,  
 40           insurance associations and other persons carrying on an insurance business; and executors,  
 41           administrators, curators, trustees and other fiduciaries may legally invest sinking funds.

1 money or other funds belonging to them or within their control in bonds or other obligations  
2 issued by the corporation under this chapter. These bonds or other obligations are  
3 authorized security for all public deposits. It is the purpose of this section to authorize  
4 persons, political subdivisions and officers, public or private, to use funds owned or  
5 controlled by them for the purchase of these bonds or other obligations. This section does  
6 not relieve a person of any duty or of exercising reasonable care in selecting securities.

7 **9. Investment of funds; redemption of bonds. The corporation may:**

8 A. Invest in property or securities in which savings banks may legally invest funds  
9 subject to their control, funds held in reserves, sinking funds or funds not required for  
10 immediate disbursement; and

11 B. Cancel its bonds by redeeming them at the redemption price established in the bonds  
12 or by purchasing them at less than redemption price.

13 **§13208. Interest of public officials, directors or employees**

14 ~~1. Acquisition of interest. A public official, member of the board of directors or~~  
15 ~~employee of the corporation may not acquire or hold a direct or an indirect financial or~~  
16 ~~personal interest in:~~

17 ~~A. A corporation activity;~~

18 ~~B. Corporation property; or~~

19 ~~C. A contract or proposed contract in connection with a corporation activity.~~

20 2. Present or past interest in property. If a public official, member of the board of  
21 directors or employee of the corporation presently owns or controls, or owned or controlled  
22 within the preceding 2 years, a direct or an indirect interest in property known to be  
23 included or planned to be included in a corporation activity, that public official, trustee or  
24 employee shall disclose this fact immediately in writing to the board of directors and the  
25 disclosure must be entered in the board's minutes.

26 3. Recusal. A public official, member of the board of directors or employee of the  
27 corporation with an interest in property under this section may not participate in an action  
28 by the corporation affecting that property.

29 4. Violation. A violation of this section is a Class E crime.

30 **§13209. Exemption from execution**

31 1. Property exempt from execution. The real and personal property, including funds,  
32 of the corporation is exempt from levy and sale by virtue of an execution. An execution or  
33 other judicial process may not be issued against the corporation's real and personal  
34 property, and a judgment against the corporation may not be a charge or lien upon its real  
35 and personal property.

36 2. Construction; limitation of application. This section does not:

37 A. Prohibit the corporation from making payments in lieu of taxes to a municipality;  
38 or

39 B. Apply to or limit the right of an obligee to foreclose or otherwise enforce a mortgage  
40 of the corporation or to pursue remedies for the enforcement of a pledge or lien given

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by the corporation on its rents, fees, grants, revenues or other sources pledged by the corporation to the payment of its bonds.

**§13210. Maine Space Complex Job Increment Financing Fund**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A. "Affiliated business"** means one of 2 businesses exhibiting either of the following relationships:

(1) One business owns 50% or more of the stock of the other business or owns a controlling interest in the other; or

(2) Fifty percent of the stock of each business or a controlling interest in each business is directly or indirectly owned by a common owner or owners.

**B. "Assessor"** means the State Tax Assessor.

**C. "Base level of employment"** means either the total employment of an employer as of March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the date the employer begins operations at the complex and its ancillary facilities divided by 4 or its average employment during the base period, whichever is greater.

**D. "Base period"** means the 3 calendar years prior to the year in which an employer begins operations at the complex and its ancillary facilities.

**E. "Commissioner"** means the Commissioner of Economic and Community Development.

**F. "Fund"** means the Maine Space Complex Job Increment Financing Fund established pursuant to subsection 2.

**G. "Job tax increment"** means that level of state income tax withholding attributed to any employees employed within the complex and its ancillary facilities above the base level of employment for an employer in the complex and its ancillary facilities or its average employment during the base period. "Job tax increment" does not include withholding from employees or positions shifted by an employer as calculated generally pursuant to Title 36, chapter 917. The shifting restriction must apply to all employers in the complex and its ancillary facilities.

**2. Fund established.** The Maine Space Complex Job Increment Financing Fund is established to receive job tax increment transfers from job creation in the properties leased or owned by the corporation. The fund must receive annually from the State the amount calculated under subsection 5.

**3. Limitations.** The fund is subject to the following limitations.

**A. Payments from the fund allocated to the corporation must be used solely to fund the costs of:**

(1) Municipal services, including, but not limited to, water, sewer, electricity, telecommunications, fire protection, police protection, sanitation services and the maintenance of buildings, facilities, grounds and roads in the complex and its ancillary facilities; and



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(2) Higher education services, including, but not limited to, faculty and staff salaries and instruction, operations, equipment, maintenance and financing costs, which include but are not limited to closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity.

B. To the extent that revenues received by the fund are not expended for current costs under paragraph A, the fund must retain the revenues to defray future costs under that paragraph.

C. State income tax withholding eligible for reimbursement to a qualified business pursuant to Title 36, chapter 917 or to a qualified Pine Tree Development Zone business under Title 30-A, chapter 206 is not eligible for use in the calculation of a payment to the fund under subsections 4 and 5. State income tax withholding under Title 36, chapter 919 or any other tax credit or reimbursement program based on state income tax withholding is not eligible for use in calculation of a payment to the fund under subsections 4 and 5.

4. Certification by authority. By February 15th of each year, beginning in 2023, the corporation shall provide a report identifying each employer located at the complex and its ancillary facilities to the commissioner. The commissioner shall certify annually to the assessor on or before June 30th of each year, beginning in 2023, the following information:

A. Employment, payroll and state withholding data necessary to calculate the base level of employment at the complex and its ancillary facilities;

B. The total number of employees added during the previous year within the complex and its ancillary facilities above the base level of employment, including additional associated payroll and state withholding data necessary to calculate the job tax increment and establish the appropriate payment to the fund;

C. A listing of all employers within the complex and its ancillary facilities that pay state withholding taxes, the locations of those employers and the number of employees at each location;

D. A listing of all affiliated businesses, data regarding current employment, payroll and state income tax withholding for each affiliated business within the complex and its ancillary facilities; and

E. Any information required by the assessor to determine the employment tax increment revenues pursuant to Title 36, chapter 917.

5. Procedure for payment of revenue to fund. On or before July 15th of each year, the assessor shall review the information required by subsection 4 and calculate the job tax increment for the preceding calendar year. The assessor shall also calculate the employment tax increment in the complex and its ancillary facilities for reimbursement to qualified businesses and qualified Pine Tree Development Zone businesses pursuant to Title 36, chapter 917. On or before July 15th of each year, the assessor shall certify to the State Controller the total remaining job tax increment after reimbursements have been made to qualified businesses and qualified Pine Tree Development Zone businesses pursuant to Title 36, chapter 917. On or before July 31st of each year, the State Controller shall transfer 50% of the remaining job tax increment to the state job tax increment

1 ~~contingent account established, maintained and administered by the State Controller from~~  
2 ~~General Fund undedicated revenue within the withholding tax category. On or before July~~  
3 ~~31st of each year, the State Controller shall deposit this revenue into the fund.~~

4 ~~6. Administration. The Commissioner of Administrative and Financial Services shall~~  
5 ~~administer the fund and may adopt rules for implementation of the fund. Rules adopted~~  
6 ~~pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter~~  
7 ~~2-A.~~

8 **§13211. Termination of corporation**

9 The corporation is not dissolved until:

10 1. Legislature provides for termination. It is terminated by the Legislature; and

11 2. Payment of bonds, premium and interest. The bonds, premium, if any, and  
12 interest have been paid or a sufficient amount for the payment of the bonds and interest to  
13 maturity or a prior redemption date have been irrevocably set aside in trust for the benefit  
14 of the bondholders.

15 **§13212. Annual report**

16 1. Annual financial report. The corporation shall submit annually to the Governor,  
17 the Executive Director of the Legislative Council and the joint standing committee of the  
18 Legislature having jurisdiction over economic development matters, not later than 120 days  
19 after the close of the corporation's fiscal year, a complete report on the activities of the  
20 corporation. The report may also be provided to any other member of the Legislature and  
21 to any other person. The report must include all of the following for the previous fiscal  
22 year:

- 23 A. A description of the corporation's operations;
- 24 B. An accounting of the corporation's receipts and expenditures, assets and liabilities  
25 at the end of its fiscal year;
- 26 C. A listing of all property transactions pursuant to section 13205;
- 27 D. An accounting of all activities related to the Maine Space Complex Fund under  
28 section 13206;
- 29 E. A listing of any bonds issued during the fiscal year under section 13207;
- 30 F. A statement of the corporation's proposed and projected activities for the ensuing  
31 year; and
- 32 G. Recommendations regarding further actions that may be suitable for achieving the  
33 purposes of this chapter.

34 **SUMMARY**

35 This bill establishes the Maine Space Corporation to leverage the State's geographic,  
36 rocketry, manufacturing and higher education assets and capabilities to establish the State  
37 as a national and international industry destination and an authority in launching small  
38 launch vehicles and small satellites into polar orbit. The corporation may establish and  
39 promote the Maine Space Complex, which is to include the following business units:

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1           1. The Maine Space Data and Advanced Analytics Center of Excellence, a state-of-  
2 the-art computer center with networks equipped to import or downlink, store, cleanse,  
3 manage and analyze satellite data in concert with terrestrial data for the purposes of  
4 addressing business and public issues in innovative ways and creating new data products  
5 and services;

6           2. The Maine New Space Innovation Hub, an industry meeting place, a hub for new  
7 business incubation and acceleration, facilities for satellite and launch vehicle  
8 manufacturing and integration and ground control for satellite launch operations containing  
9 specialized equipment to facilitate business research and development, academic and  
10 scientific inquiry and a kindergarten to grade 12 learning center and designed to attract both  
11 in-state and out-of-state interests; and

12           3. Maine Launch Sites and Services, staging and launch sites for sending small  
13 vehicles with nanosatellites into polar orbit.

14           The bill also establishes the Maine Space Complex Fund for the purpose of receiving  
15 funds from the State and gifts, grants, devises, bequests, trusts or security documents to  
16 support the operations of the corporation and the complex and the Maine Space Complex  
17 Job Increment Financing Fund to receive job tax increment transfers from job creation in  
18 the properties leased or owned by the corporation.

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Loring Development Authority

**§13080-H. Interest of public officials, trustees or employees**

**1. Acquisition of interest.** An official, trustee or employee of the authority may not acquire or hold a direct or an indirect financial or personal interest in:

- A. An authority activity; [PL 1993, c. 474, §1 (NEW).]
- B. Property included or planned to be included in the base area; or [PL 1993, c. 474, §1 (NEW).]
- C. A contract or proposed contract in connection with an authority activity. [PL 1993, c. 474, §1 (NEW).]

When an acquisition is involuntary, the interest acquired must be disclosed immediately in writing to the authority trustees and the disclosure must be entered in the board's minutes.  
[PL 1993, c. 474, §1 (NEW).]

**2. Present or past interest in property.** If an official, trustee or employee presently owns or controls, or owned or controlled within the preceding 2 years, a direct or an indirect interest in property known to be included or planned to be included in an authority activity, that official, trustee or employee must disclose this fact immediately in writing to the authority and the disclosure must be entered in the authority's minutes.  
[PL 1993, c. 474, §1 (NEW).]

**3. Recusal.** The official, trustee or employee with an interest may not participate in an action by the authority affecting that property.  
[PL 1993, c. 474, §1 (NEW).]

**4. Incompatible offices.** A trustee or other officer of the authority may not hold elected office in a municipality in Aroostook County or in Aroostook County government.  
[PL 1993, c. 474, §1 (NEW).]

**5. Violation.** A violation of this section is a Class E crime.  
[PL 1993, c. 474, §1 (NEW).]

**SECTION HISTORY**

PL 1993, c. 474, §1 (NEW).

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Midcoast Regional Redevelopment Authority

**§13083-O. Interest of public officials, trustees or employees**

**1. Acquisition of interest.** A public official, trustee or employee of the authority may not acquire or hold a direct or an indirect financial or personal interest in:

- A. An authority activity; [PL 2005, c. 599, §1 (NEW).]
- B. Property included or planned to be included in the base area; or [PL 2005, c. 599, §1 (NEW).]
- C. A contract or proposed contract in connection with an authority activity. [PL 2005, c. 599, §1 (NEW).]

When an acquisition is involuntary, the interest acquired must be disclosed immediately in writing to the board of trustees of the authority, and the disclosure must be entered in the board's minutes. [PL 2005, c. 599, §1 (NEW).]

**2. Present or past interest in property.** If a public official, trustee or employee of the authority presently owns or controls, or owned or controlled within the preceding 2 years, a direct or an indirect interest in property known to be included or planned to be included in an authority activity, that public official, trustee or employee must disclose this fact immediately in writing to the authority and the disclosure must be entered in the authority's minutes. [PL 2005, c. 599, §1 (NEW).]

**3. Recusal.** The public official, trustee or employee of the authority with an interest may not participate in an action by the authority affecting that property. [PL 2005, c. 599, §1 (NEW).]

**4. Violation.** A violation of this section is a Class E crime. [PL 2005, c. 599, §1 (NEW).]

**SECTION HISTORY**

PL 2005, c. 599, §1 (NEW).

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L.D. 1175

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Drafter: JO

Date: March 29, 2022

File: G:\COMMITTEES\CJPS\AMENDMTS\130th 2nd\Amend LD 1175 3-29-22 #2.Docx

**COMMITTEE AMENDMENT to L.D. 1175, "An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons"**

Amend the bill by striking out the title and substituting the following:

**'An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons'**

Amend the bill by striking out all of the emergency preamble.

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'PART A**

**Sec. A-1. 34-A MRSA §3015 is enacted to read:**

**§3015. Telephone services in Department of Corrections facilities**

Beginning October 1, 2022, the department and a service provider that contracts with the department to provide telephone services for residents of a department facility shall provide telephone services in accordance with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department facility Facility" means a detention facility or correctional facility.

B. "Resident" means a person who resides in a department facility.

C. "Service provider" means an entity that provides telephone services by contract with the department through which a resident initiates outgoing telephone calls from a department facility.

2. Resident right to make telephone calls. The department shall provide a resident with a reasonable opportunity to make interstate and intrastate telephone calls in accordance with departmental policies and institutional procedures and in accordance with the following.

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A. The department shall provide a resident with a reasonable opportunity to make telephone calls to relatives and friends, except that the department may restrict or prohibit telephone calls when the restriction or prohibition is necessary for the security of the *department* facility. The department shall provide to a resident who has less than \$10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph.

B. The department shall provide a resident with a reasonable opportunity to make telephone calls protected by the attorney-client privilege. The department shall provide to a resident who has less than \$10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph.

3. Requirements for service providers. A service provider that enters into or renews a contract on or after October 1, 2022 with the department to provide outgoing interstate and intrastate telephone services is subject to the following requirements.

A. The rates and charges that the service provider may charge for interstate and intrastate telephone calls *made by persons who are incarcerated* may not exceed the rates for interstate telephone calls ~~are limited to the maximum rates in effect on the date of the contract as adopted by the Federal Communications Commission and applicable to interstate telephone calls made by persons who are incarcerated in effect on the date of the contract.~~

B. A service provider may not charge a fee to a resident, the *department* facility or the department for providing the free outgoing telephone calls required pursuant to subsection 2, paragraphs A and B.

C. A service provider may not charge a connection fee to a resident to initiate an outgoing telephone call.

D. A service provider shall permit the receiving party of a telephone call to terminate the telephone call prior to connection without the resident or receiving party incurring a charge.

E. A service provider may not block a collect telephone call to a receiving party because the service provider lacks a prior billing relationship with the receiving party's telephone service provider unless the service provider offers debit, prepaid or prepaid collect calling options.

F. A service provider, prior to connecting a telephone call, shall identify itself to the receiving party and disclose to the receiving party how to obtain rate quotations.

**Sec. A-2. Application.** That section of this Part that enacts the Maine Revised Statutes, Title 34-A, section 3015 applies to all contracts for telephone services entered into or renewed by the Department of Corrections on or after October 1, 2022.

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PART B

Sec. B-1. 30-A MRS §1566 is enacted to read:

§1566. Telephone services in jails

Beginning October 1, 2022, a jail and a service provider that contracts with the jail to provide telephone services for residents of the jail shall provide telephone services in accordance with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Jail" means a county or municipal detention facility for which standards are set by the Commissioner of Corrections under Title 34-A, section 1208 or a facility for which standards are set by the Commissioner of Corrections under Title 34-A, section 1208-A.

B. "Resident" means a person who resides in a jail.

C. "Service provider" means an entity that provides telephone services by contract with a jail through which a resident initiates outgoing telephone calls from the jail.

2. Requirements for service providers. A service provider that enters into or renews a contract on or after October 1, 2022 with a jail to provide outgoing interstate and intrastate telephone services is subject to the following requirements. ~~A. The rates and charges that the service provider may charge for interstate and intrastate telephone calls made by persons who are incarcerated may not exceed the rates for interstate telephone calls are limited to the maximum rates in effect on the date of the contract as adopted by the Federal Communications Commission and applicable to interstate telephone calls made by persons who are incarcerated in effect on the date of the contract.~~

~~B. A service provider may not charge a connection fee to a resident to initiate an outgoing telephone call.~~

~~C. A service provider shall permit the receiving party of a telephone call to terminate the telephone call prior to connection without the resident or receiving party incurring a charge.~~

~~D. A service provider may not block a collect telephone call to a receiving party because the service provider lacks a prior billing relationship with the receiving party's telephone service provider unless the service provider offers debit, prepaid or prepaid collect calling options.~~



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~~E. A service provider, prior to connecting a telephone call, shall identify itself to the receiving party and disclose to the receiving party how to obtain rate quotations.~~

**Sec. B-2. Application.** That section of this Part that enacts the Maine Revised Statutes, Title 30-A, section 1566 applies to all contracts for telephone services entered into or renewed by or on behalf of a jail on or after October 1, 2022.<sup>1</sup>

Amend the bill by striking out all of the emergency clause.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

### SUMMARY

This amendment replaces the bill. It changes the title of the bill and removes the emergency preamble and emergency clause. The amendment establishes the rights of residents of *Department of Corrections detention and correctional facilities* to telephone services. The amendment sets requirements for providers of telephone services *in jails and Department of Corrections detention and correctional facilities*. *The amendment and* sets limits on telephone rates and charges for interstate and intrastate telephone calls by reference to limitations imposed by the Federal Communications Commission on interstate telephone calls made by persons who are incarcerated.

**FISCAL NOTE REQUIRED**  
(See attached)

26

## Memorandum

To: Members, Criminal Justice and Public Safety Committee  
From: Jane Orbeton, OPLA  
Date: March 30, 2022  
Re: Language review - Drafting issues on LR 2663 on respectful language

---

There are several drafting issues on LR 2663, the CJPS Committee respectful language bill voted OTP by a majority on March 7. I need drafting instructions from the CJPS majority. The minority members have been recorded as voting ONTP.

I have been working with the Revisor and DHHS and DOC to put together a bill that changes the identified stigmatizing language to the identified respectful language without making any substantive changes in the laws in Titles 22 (DHHS), 25 (Public Safety) and 34-A (Corrections).

### Decision requested:

1. Rep Pluecker's draft, which the majority supported, reads:  
"Sec. 80. Rules, policies, procedures, forms and publications. The Department of Corrections, Department of Health and Human Services and Department of Public Safety shall amend their rules, policies, procedures, forms and publications to conform to the respectful terms adopted by the Legislature in this Act."

DHHS has commented that amending department rules is a very time-consuming and capacity-consuming process. DHHS has stated that they *strongly advocate* that the bill direct that changes in the rules be made as the rules are opened up for routine or other changes.

Do you wish to delay the requirement to amend rules as proposed by DHHS? If so, do you want to delay the requirement for policies, procedures, forms and publications? With a deadline?

### Information:

1. Changing "prisoner" to "resident of a correctional facility" and "inmate" to "resident of a jail" worked easily. Occasionally, due to the context, "client" or "person" was required.

2. Changing "probationer" to "client of DOC" did not work because of the multiple types of clients (including juveniles and parolees) of DOC. This draft uses "person on probation." Changing "parolee" to "person on parole" did not work because it would have required amending Title 34-A in over 50 additional sections and each section would need to be checked for substantive impact. "Parolee" was not changed in this draft.

4. Changing "mentally ill person" to "person with a mental illness" works and the draft uses that language. Rep Pluecker's draft suggested "person with a major mental health disorder." The draft does not adopt this language because of concern conveyed from DHHS and DOC that "major mental health disorder" could differ from "mental illness" medically and legally and could cause a substantive change in the law. "Person with a mental illness" is the respectful language from the resolve and it is used in this draft.