

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

Sec. 1. 28-A MRSA §1052-B, sub-§1, as enacted by PL 1999, c. 677, §2, is amended to read:

1. Special taste-testing festival license. ~~Manufacturers~~ Malt liquor manufacturers licensed under section 1401 and manufacturers of malt liquor or wine licensed as small breweries or farm wineries under section 1355 may apply jointly for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and may be issued once annually.

See title page for effective date.

CHAPTER 92

H.P. 19 - L.D. 12

An Act to Enhance School Zone Safety

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

Sec. 1. 29-A MRSA §101, sub-§64-B, as enacted by PL 2001, c. 145, §2, is amended to read:

64-B. School zone. "School zone" means the portion of the public highway abutting improved school property or 300 feet on either side of a school entrance, whichever is greater, or as designated under section 2075, subsection 3, paragraph F.

Sec. 2. 29-A MRSA §2075, sub-§3, ¶D, as amended by PL 2001, c. 313, §1, is further amended to read:

D. With the approval of the Department of Transportation and the Chief of the State Police, increase or decrease the speed limit on through ways by erecting standard signs giving notice of the speed limit in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration; ~~and~~

Sec. 3. 29-A MRSA §2075, sub-§3, ¶E, as enacted by PL 2001, c. 313, §1, is amended by amending the last blocked paragraph to read:

The Department of Transportation may require a municipality with a population of 5,000 or more as measured by the latest decennial United States census that has not provided written notice to the department that the municipality will set speed limits in accordance with this paragraph to provide the department with all data necessary to set such speed limits. The nature, extent and form of that data must be acceptable to the department

and may include, without limitation, the reason for the request, length and location of the proposed speed zone, road width, number of driveways in that zone, traffic volume, posted speed, prevailing speed as measured by radar, accident history and speed enforcement efforts; and

Sec. 4. 29-A MRSA §2075, sub-§3, ¶F is enacted to read:

F. With the approval of the Department of Transportation and the Chief of the State Police, and in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration, designate a school zone to which the speed limits in section 2074, subsection 1, paragraph A apply.

See title page for effective date.

CHAPTER 93

H.P. 16 - L.D. 9

An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund

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

Sec. 1. 39-A MRSA §154, sub-§6, as amended by PL 2001, c. 692, §1, is further amended to read:

6. Assessment levied. The assessments levied under this section may not be designed to produce more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year, more than \$6,735,000 beginning in the 1999-00 fiscal year, more than \$7,035,000 in the 2001-02 fiscal year or more than \$6,860,000 beginning in the 2002-03 fiscal year. Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year, \$6,735,000 beginning in the 1999-00 fiscal year, \$7,035,000 in fiscal year 2001-02 or \$6,860,000 beginning in the 2002-03 fiscal year by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget. The board, by a majority vote of its membership, may use its reserve to assist in funding its Personal Services account expenditures and All Other account expenditures and to help defray the costs incurred by the board pursuant to this Act including

administrative expenses, consulting fees and all other reasonable costs incurred to administer this Act. The board shall notify the chairs and members of the joint standing committee of the Legislature having jurisdiction over labor matters whenever the board receives approval from the State Budget Officer and the Governor to use reserve funds to increase its allotment above the allocation authorized by the Legislature. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the following fiscal year. The board shall determine the assessments prior to May 1st and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning July 1st. Each self-insured employer shall pay the assessment on or before June 1st. Each insurance company or association shall pay the assessment in accordance with subsection 3.

See title page for effective date.

CHAPTER 94

S.P. 320 - L.D. 979

An Act To Require Continuing Education for Professional Engineers

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

Sec. 1. 32 MRSA §1362 is enacted to read:

§1362. Continuing professional education

1. Requirement for renewal. Beginning with registrations that expire in December 2005, every person seeking renewal under section 1357 must provide evidence satisfactory to the board that the person has completed 30 continuing professional education hours within the period for which the registration was issued.

2. Failure to meet requirement. The board may not renew a registration to an applicant who fails to meet the continuing professional education requirements under subsection 1. If an applicant subsequently fulfills the requirement after the registration has expired, the board may renew the registration for the remainder of the 2-year period for which a renewal would have been valid but for the applicant's failure to meet the continuing professional education requirement.

3. Annual review; monitoring. The board shall annually review and monitor compliance with the continuing professional education requirement under subsection 1.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Engineers - Board of Registration for Professional

Initiative: Allocates funds for the costs associated with establishing a continuing education requirement.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$18,000	\$0
<hr/>		
Other Special Revenue Funds		
Total	\$18,000	\$0

See title page for effective date.

CHAPTER 95

H.P. 711 - L.D. 954

An Act To Require Disclosure of the Amount and Duration of Unemployment Benefits to Recipients

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

Sec. 1. 26 MRSA §1191, sub-§10 is enacted to read:

10. Estimated benefit. Upon inquiry from an individual, the Department of Labor shall provide an estimate of the amount and duration of benefits likely to be paid to that individual under this chapter if the individual applied for benefits that day. If the inquiry is made within 2 weeks before the beginning of a calendar quarter, the Department of Labor shall also provide an estimate of the duration and amount of benefits likely to be paid to that individual if the individual applied for benefits after the beginning of that calendar quarter. Inquiries under this subsection may be made and answered over the telephone and are not considered applications for benefits.

See title page for effective date.

CHAPTER 96

H.P. 712 - L.D. 955

An Act To Allow Recipients To Withdraw from Receiving Unemployment Benefits by Phone and at Any Time before Receiving Benefits