

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

provisions of this Act and shall issue the appropriate licenses to implement the following provisions.

1. Every person holding an active alcohol and drug counselor registration, R.A.D.C., must be issued an alcohol and drug counseling aide registration, A.D.C.A., at the time the registrant next is issued a registration upon proper application and satisfaction of the registration requirements.

2. Every person holding an active alcohol and drug counselor registration at the time the registrant next is up for renewal may apply for the alcohol and drug counselor certificate, C.A.D.C. The applicant must meet the certified alcohol and drug counselor requirements of this Act.

3. Every person holding an active alcohol and drug counselor license at the time the licensee next is up for renewal must be issued an alcohol and drug counselor license, L.A.D.C., upon proper application for renewal.

**Sec. 25. Effective date.** This Act takes effect November 1, 2004.

Effective November 1, 2004.

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**CHAPTER 348**

**S.P. 536 - L.D. 1576**

**An Act To Provide Group Health Insurance Coverage to Maine Citizens Eligible for Assistance Under the Federal Trade Adjustment Assistance Reform Act of 2002**

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

**Whereas,** workers displaced by foreign trade competition face hardship in obtaining affordable, comprehensive health care coverage for themselves and their dependents; and

**Whereas,** the federal government has created a program of health coverage tax credits to assist such workers in the purchase of health care coverage; and

**Whereas,** this legislation is necessary to facilitate the implementation of the federal program; 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. 5 MRSA §285, sub-§11** is enacted to read:

**11. Coverage for persons eligible under federal Trade Adjustment Assistance Reform Act of 2002.** The Department of Administrative and Financial Services, Division of Employee Health and Benefits may provide, through a qualified insurance company, a group health plan product for individuals certified to receive federal assistance in paying for health coverage under the terms of the health coverage tax credit program within the federal Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210. Certification of eligibility is made by the Department of Labor. Individuals may enroll eligible dependents. Individuals eligible for enrollment in this group health plan remain eligible for enrollment and coverage through the duration of their federal trade adjustment assistance eligibility and for one month after their federal trade adjustment assistance eligibility status ends.

Any person who is receiving a benefit payment from the federal Pension Benefit Guaranty Corporation and who has attained the age of 55, but who is not eligible for Medicare benefits, may also enroll in the group health plan. These individuals may enroll eligible dependents.

The eligibility requirements under the federal Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210 apply to persons enrolling in the group health plan provided pursuant to this subsection.

Premium rates must be established to reflect the costs of providing insurance coverage. Premium payments must be provided by the United States Department of Labor and individual enrollees. The division may accept any funds allocated under the federal Trade Adjustment Assistance Reform Act of 2002 and other sources in order to pay premiums and to administer the program.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Accident-Sickness-Health Insurance 0455**

Initiative: Allocates funds for 2 limited-period Employee Benefit Technician positions and associated administrative costs for the Division of Employee Health and Benefits to enroll eligible displaced workers in the trade adjustment assistance health insurance program.

Federal Expenditures Fund	2003-04	2004-05
Positions - FTE Count	(2,000)	(2,000)
Personal Services	\$76,378	\$76,378
All Other	20,000	20,000
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Federal Expenditures Fund Total	\$96,378	\$96,378

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 29, 2003.

## CHAPTER 349

### S.P. 151 - L.D. 433

#### An Act to Expand Payment Options on Sales of Alcoholic Beverages by Licensees

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

**Sec. 1.** 28-A MRSA §705, sub-§1, as amended by PL 1993, c. 266, §9, is repealed and the following enacted in its place:

**1. Sales for cash.** Except as provided in subsection 1-B, a wholesale licensee, the employee of a wholesale licensee or a reselling agent as defined by section 2, subsection 27-A may not sell or offer to sell any liquor except for cash or payment by check or electronic funds transfer as provided in subsection 1-A.

**Sec. 2.** 28-A MRSA §705, sub-§§1-A to 1-E are enacted to read:

**1-A. Electronic funds transfer.** For the purposes of this section, "electronic funds transfer" means using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

**A.** Electronic funds transfers are permissible under the following conditions:

(1) Any agreement to engage in electronic funds transfer for payment for beer or wine between manufacturers, wholesale licensees or retail licensees must be voluntary and in writing. A manufacturer, wholesale licensee or retail licensee may not refuse to do business with or otherwise limit business with another manufacturer, wholesale licensee or retail licensee for declining to pay for beer or wine by electronic funds transfer;

(2) When electronic funds transfer is the form of payment, the form of payment must be noted on the invoice at the time of delivery and acknowledged in writing by the buyer or the buyer's employee. The note on the invoice constitutes an irrevocable promise to pay. All parties to electronic funds transfer transactions will maintain records of those transactions for 2 years from the date of the transaction and make those records available for inspection by the bureau upon request;

(3) Initiation of the electronic funds transfer must occur on the next business day after the delivery of the product;

(4) Parties engaging in electronic funds transfers under this section pay their own costs associated with electronic funds transfers; and

(5) Any electronic funds transfer transaction that is not completed due to insufficient funds is subject to the provisions of the Uniform Commercial Code.

**1-B. Sales on credit.** Credit may be extended:

**A.** By a hotel or club to bona fide registered guests or members;

**B.** By a hotel or Class A restaurant to the holder of a credit card that authorizes the holder to charge goods or credits; and

**C.** By an on-premises licensee to the host of a private, prearranged function without a credit card.

**1-C. Right of action.** A right of action does not exist to collect claims for credits extended contrary to this section.

**1-D. Credit for deposits.** This section does not prohibit a licensee from giving credit to a purchaser for the actual amount of the deposit on beverage containers as defined in Title 32, section 1862, subsection 2 or on the packages or original containers as a credit on any sale or from paying the amount actually charged for such a deposit on the packages or original containers.

**1-E. Goods in exchange for product prohibited; exception.** A wholesale licensee or a wholesale licensee's employee or agent may not sell, offer to sell or furnish any liquor to any person on a passbook or store order or receive from any person any goods, wares, merchandise or other articles in exchange for liquor. This paragraph does not apply to beverage container deposits on packages or original containers