

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

amends Public Law 2001, chapter 463, section 7 takes effect when approved.

Effective October 1, 2003, unless otherwise indicated.

CHAPTER 435

H.P. 1104 - L.D. 1511

An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers

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

Sec. 1. 22 MRSA §1580-H, sub-§10, as enacted by PL 1999, c. 401, Pt. U, §1 and affected by §2, is amended to read:

10. "Units sold" means the number of individual cigarettes sold in the State by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer or similar intermediary ~~of or~~ intermediaries) during the year in question, as measured by excise taxes collected by the State on packs bearing the excise tax stamp of the State or "roll-your-own" tobacco containers. ~~The Department of Administrative and Financial Services, Bureau of Revenue Services, shall promulgate such~~ Attorney General may adopt rules as are necessary to obtain information from any tobacco product retailer, distributor or manufacturer, to ascertain the amount of state excise tax paid on tobacco products of each tobacco product manufacturer for each year. Rules established pursuant to this section are routine technical rules, as provided in Title 5, ~~Chapter~~ chapter 375, subchapter ~~H-A 2-A~~. Notwithstanding any other provision of law, the Bureau of Revenue Services may provide information ~~obtained pursuant to this section to the Attorney General~~ as is necessary for a tobacco product manufacturer to compile its escrow payment hereunder. In addition, the ~~Department of the~~ Attorney General ~~shall have the authority to~~ may subpoena the records of any tobacco product retailer, distributor, or manufacturer, to enforce this Act.

Sec. 2. 22 MRSA §1580-I, sub-§2, ¶A, as enacted by PL 1999, c. 401, Pt. U, §1 and affected by §2, is amended to read:

A. A tobacco product manufacturer that places funds into escrow pursuant to this subsection shall receive the interest or other appreciation on such funds as earned. Such funds themselves ~~shall~~ must be released from escrow only under the following circumstances—;

(1) to pay a judgment or settlement on any released claim brought against such tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds ~~shall~~ must be released from escrow under this subparagraph:

(a) in the order in which they were placed into escrow; and

(b) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(2) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the State in a particular year was greater than ~~the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment)~~ the Master Settlement Agreement payments, as determined pursuant to section IX(i) of that agreement including after final determination of all adjustments, that such manufacturer would have been required to make an account of such units sold had it been a participating manufacturer, the excess shall must be released from escrow and revert back to such tobacco product manufacturer. If a court of competent jurisdiction holds that this subparagraph is unconstitutional, then this subparagraph is deemed repealed; or

(2-A) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow in a particular year was greater than the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that Agreement other than the Inflation Adjustment) had it been a participating manufacturer, the excess must be released from escrow and revert back to such tobacco product manufacturer. This subparagraph takes effect only if, following the repeal of subparagraph (2), as described

therein, a court of competent jurisdiction holds that paragraph A is unconstitutional; or

(3) to the extent not released from escrow under subparagraph (1) or (2), funds ~~shall~~ must be released from escrow and revert back to such tobacco product manufacturer ~~twenty-five~~ 25 years after the date on which they were placed into escrow.

See title page for effective date.

CHAPTER 436

S.P. 327 - L.D. 986

An Act To Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001

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

Sec. 1. 19-A MRSA §2802, sub-§7, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

7. Initiating state. "Initiating state" means a state ~~in~~ from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this chapter or a law or procedure substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act is filed for forwarding to a responding state.~~

Sec. 2. 19-A MRSA §2802, sub-§§13-A and 13-B are enacted to read:

13-A. Person. "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency or instrumentality; public corporation; or any other legal or commercial entity.

13-B. Record. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 3. 19-A MRSA §2802, sub-§16, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

16. Responding state. "Responding state" means a state ~~to~~ in which a proceeding is filed or to which a proceeding is forwarded for filing from an

initiating state under this chapter or a law or procedure substantially similar to this chapter, ~~the Uniform Reciprocal Enforcement of Support Act or the Revised Uniform Reciprocal Enforcement of Support Act.~~

Sec. 4. 19-A MRSA §2802, sub-§19, as amended by PL 1997, c. 669, §13, is further amended to read:

19. State. "State" means a state of the United States, the District of Columbia, ~~the Commonwealth of Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.~~ The term "state" includes ~~an Indian tribe and includes a foreign jurisdiction that has established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act.:~~

A. An Indian tribe; and

B. A foreign country or political subdivision that:

(1) Has been declared to be a foreign reciprocating country or political subdivision under federal law;

(2) Has established a reciprocal arrangement for child support with this State as provided in section 3008-A; or

(3) Has enacted a law or established procedures for issuance and enforcement of support orders that are substantially similar to the procedures under this chapter.

Sec. 5. 19-A MRSA §2802, sub-§21, ¶¶C and D, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

C. Determination of parentage; or

D. The location of obligors or their assets; or

Sec. 6. 19-A MRSA §2802, sub-§21, ¶E is enacted to read:

E. Determination of the controlling child support order.

Sec. 7. 19-A MRSA §2802, sub-§22, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

22. Support order. "Support order" means a judgment, decree ~~or~~ order or directive, whether temporary, final or subject to modification, issued by a tribunal for the benefit of a child, a spouse or a former spouse, that provides for monetary support, health