

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

HIGHWAY FUND TOTAL	\$0
<b>FEDERAL EXPENDITURES</b>	
<b>FUND - (INFORMATIONAL)</b>	<b>2004-05</b>
Personal Services	\$7,260
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FEDERAL EXPENDITURES	
FUND TOTAL	\$7,260

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

Effective April 1, 2005.

**CHAPTER 38**

**H.P. 73 - L.D. 77**

**An Act To Require Valid Identification for Purchases of Liquor**

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

**Sec. 1. 28-A MRSA §706, sub-§2** is enacted to read:

2. Age requirement for identification. A licensee or licensee's employee or agent may not sell, furnish, give or deliver liquor or imitation liquor to a person under 27 years of age unless the licensee or licensee's employee or agent verifies the person is not a minor by means of reliable photographic identification containing that person's date of birth.

See title page for effective date.

**CHAPTER 39**

**S.P. 51 - L.D. 145**

**An Act Concerning Appeal Rights under the Maine Enterprise Option Program**

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

**Sec. 1. 26 MRSA §1197, sub-§8-B, ¶B-1** is enacted to read:

B-1. A person aggrieved by the decision of the hearing officer may appeal to the commission by filing an appeal in accordance with rules established by the commission as long as the appealing party participated in the hearing by that

hearing officer and was given notice of the effect of the failure to participate in writing prior to the hearing.

**Sec. 2. 26 MRSA §1197, sub-§8-B, ¶C**, as enacted by PL 1997, c. 130, §2, is amended to read:

C. A person aggrieved by the decision of the ~~hearing officer~~ commission may appeal by commencing an action pursuant to Title 5, chapter 375, subchapter ~~VH~~ 7. The Commissioner of Labor must be made a defendant in any such appeal.

See title page for effective date.

**CHAPTER 40**

**H.P. 141 - L.D. 190**

**An Act Relating to the Treatment of Employers and Military Personnel in Connection with "Call to Duty" Activity**

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

**Sec. 1. 26 MRSA §1221, sub-§3, ¶A**, as amended by PL 1983, c. 650, §2, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the commissioner shall establish and ~~thereafter~~ maintain, until ~~such the~~ the employer status is terminated, for ~~each such the~~ the employer an "experience rating record," to which ~~shall be~~ are credited all the contributions ~~which that the~~ the employer ~~thereafter~~ pays on his the employer's own behalf. ~~Nothing in this~~ This chapter ~~shall~~ may not be construed to grant any employer or individuals in ~~his the~~ the employer's service prior claims or rights to the amounts paid by ~~him the~~ the employer into the fund. Benefits paid to an eligible individual under the Maine Employment Security Law ~~shall~~ must be charged against the "experience rating record" of the claimant's most recent subject employer or to the General Fund if the otherwise chargeable "experience rating record" is that of an employer whose status as such has been terminated; except that no charge ~~shall~~ may be made to an individual employer but ~~shall~~ must be made to the General Fund if the commission finds that:

- (1) ~~Claimant's~~ The claimant's separation from ~~his the~~ the claimant's last employer was for misconduct in connection with ~~his the~~ the claimant's employment; or was voluntary