

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.

Penmor Lithographers
Lewiston, Maine
2005

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

without good cause attributable to ~~such~~ the employer;

(2) ~~Claimant~~ The claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to ~~such~~ the employer;

(3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection 11, paragraphs B and C;

(5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12; ~~provided that as long~~ as the wages of the claimant transferred to ~~such~~ the other state, the Virgin Islands or Canada under such an arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5; ~~or~~

(6) ~~Claimant~~ The claimant was hired by ~~his~~ the claimant's last employer to fill a position left open by a Legislator given a leave of absence under chapter 7, subchapter ~~V-A~~ 5-A, and the claimant's separation from this employer was because the employer restored the Legislator to the position after ~~his~~ the Legislator's leave of absence as required by chapter 7, subchapter ~~V-A~~ 5-A; ~~or~~

(7) The claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the United States military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service.

See title page for effective date.
