

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

C. May work in combination with supplemental or parallel conventional heating systems;

D. Is manufactured, installed and operated in accordance with applicable government and industry standards; and

E. Is connected to the electric grid and operated in conjunction with the facilities of a transmission and distribution utility.

Sec. 2. 35-A MRSA §3201, sub-§8-A is enacted to read:

8-A. Eligible small generator. "Eligible small generator" means a generator that has a generating capacity of 5 megawatts or less and generates electricity using:

A. A renewable resource, as defined in section 3210, subsection 2, paragraph C; or

B. An efficient combined heat and power system.

Sec. 3. 35-A MRSA §3210-A, sub-§2, as enacted by PL 2003, c. 555, §1, is amended to read:

2. Transmission and distribution utility administration. Transmission and distribution utilities shall administer the purchase and sale of electricity to a standard-offer service provider required under this section subsection 1. Administrative costs incurred by a transmission and distribution utility under this subsection must be paid, in a manner established by the commission, by the generators of the electricity the purchase and sale of which the utility administers.

Sec. 4. 35-A MRSA §3210-A, sub-§2-A is enacted to read:

2-A. Purchase by competitive electricity providers. In addition to its obligations under subsection 2, a transmission and distribution utility may administer on behalf of any eligible small generator the purchase and sale of electricity to a competitive electricity provider. In carrying out this function, a transmission and distribution utility may in its discretion aggregate the output of multiple eligible small generators for the purpose of obtaining the most favorable purchase price on behalf of the generators. The parties to any resulting sale must be the eligible small generators and the competitive electricity provider.

If a transmission and distribution utility aggregates the output of eligible small generators under this subsection and is unable to sell the aggregated output to a competitive electricity provider, the transmission and distribution utility shall administer the purchase and sale of the aggregated output to a standard-offer service provider in accordance with the provisions of subsections 1 and 2.

Sec. 5. 35-A MRSA §3210-A, sub-§3, as enacted by PL 2003, c. 555, §1, is amended to read:

3. Rules. The commission shall adopt rules to implement ~~this section~~ the provisions of subsections 1 and 2, including, but not limited to, rules identifying how the commission assigns purchasing obligations to particular standard-offer service providers and the timing and manner of such obligations. The commission may adopt rules and may amend any rules necessary to implement the requirements of subsection 2-A, including rules to allow a transmission and distribution utility to collect an administrative fee from participating eligible small generators to cover reasonable costs incurred by the transmission and distribution utility under subsection 2-A. Rules adopted pursuant to this section subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 198
S.P. 96 - L.D. 300**

An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements

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

Sec. 1. 19-A MRSA §2154, sub-§4-A, as enacted by PL 2003, c. 224, §1, is repealed.

Sec. 2. 19-A MRSA §2154, sub-§4-B is enacted to read:

4-B. Independent contractors. An employer who reports under subsection 1 shall also report the contracting for services in this State with an independent contractor when reimbursement for such services is anticipated to equal or exceed \$2,500.

A. An employer required to report under this subsection may report by mailing a copy of the employer's federal Internal Revenue Service 1099-MISC form, transmitting a facsimile of the 1099-MISC form, sending magnetic tape in a compatible format or by other means, as mutually agreed to by the employer and the department, that will result in timely reporting.

B. The employer shall report the information in this paragraph within 7 days of the earlier of first making payments that in the aggregate equal or exceed \$2,500 in any year to an independent contractor and entering into a contract or contracts with an independent contractor providing for payments that in the aggregate equal or exceed \$2,500 in any year:

(1) The independent contractor's name, address and social security number;

(2) The employer's name, business name, address and telephone number;

(3) The employer's social security number, employment security reference number or unified business identifier number;

(4) The date the contract is executed or, if no contract, the date payments in the aggregate first equal or exceed \$2,500; and

(5) The total dollar amount of the contract, if any, and the contract expiration date.

Sec. 3. 19-A MRSA §2154, sub-§7, as enacted by PL 1997, c. 537, §39 and affected by §62, is amended to read:

7. Transmissions to the National Directory of New Hires. Within 3 business days after the date information regarding a newly hired or rehired employee or independent contractor is entered into the department's computer system, the department shall transmit the information to the National Directory of New Hires maintained by the federal Department of Health and Human Services. After obtaining the information from the Department of Labor, the department shall send the National Directory of New Hires quarterly reports of wages and unemployment compensation benefits paid to persons who are reported to the department under this section as specified by federal regulations.

Sec. 4. 19-A MRSA §2154, sub-§10 is enacted to read:

10. Independent contractor. For purposes of this section, "independent contractor" means an individual who is not an employee of the employer and who receives compensation or executes a contract for services performed for that employer within or without this State. "Independent contractor" does not include a direct seller as defined in 26 United States Code, Section 3508(b)(2).

See title page for effective date.

CHAPTER 199

S.P. 165 - L.D. 462

An Act To Amend the Retail Tobacco and Liquor Licensing Laws

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

Whereas, prompt implementation of revised licensing procedures for retail tobacco establishment licenses is necessary to ensure that prorated licensing

fees are assessed for licenses set to expire as of March 31, 2010, and timely implementation of the new licensing system is related to the public health; 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. 22 MRSA §1552, sub-§1, as amended by PL 2005, c. 12, Pt. TT, §1, is further amended to read:

1. Application process; license fees. An applicant for an annual retail tobacco license shall file an application in the form required by the department. The department shall make provisions for applications under this section. ~~The fee for a retail tobacco license must be determined~~ The department shall determine annually by the department by rulemaking the fee for a retail tobacco license, including the proration of an initial license that is issued for less than one year. The applicant shall enclose the fee with the application for the license. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §1552, sub-§2, as amended by PL 2003, c. 673, Pt. CC, §1, is further amended to read:

2. Term of license. All retail tobacco licenses are valid for ~~one year~~ a term beginning April 1st and ending the following March 31st, or in the case of an initial license issued after April 1st, for a term beginning on the date of issue and ending the following March 31st, unless suspended, revoked or not subject to the transfer under section 1553. Licenses that have been suspended or revoked may be reinstated, as permitted by the District Court decision issued under subchapter 2, upon the receipt of an application for reinstatement and payment of all penalties and an application fee of \$50.

Sec. 3. 22 MRSA §1552, sub-§3-A, as enacted by PL 2005, c. 145, §2, is amended to read:

3-A. Seasonal mobile tobacco vendor license. An applicant who is a seasonal mobile tobacco vendor may purchase a single annual license authorizing that vendor to operate at 2 or more agricultural fairs, festivals or exhibitions held during the agricultural fair season. A license issued under this subsection must clearly specify the name and location of each fair, festival or exhibition at which the licensee is authorized to operate and, for each location, the specific dates and number of machines for which the licensee is authorized. A licensee may not operate at any agricultural