LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

ergy Regulatory Commission of the surrender and termination of the pilot project license or any related annual license for the tidal energy demonstration project that is the subject of the general permit. An applicant may surrender to the department a general permit granted pursuant to this section prior to its expiration pursuant to subsection 7. Subject to conditions regarding project removal under subsection 10, the general permit terminates on the date of its surrender pursuant to this subsection.

9. Remedial action. If the department determines, based on the results of monitoring conducted by the applicant or other information, that there is substantial evidence that the project is having a significant adverse effect on a protected natural resource as defined by section 480-B, subsection 8, wildlife, including avian wildlife, bat species, marine mammals, fish or other marine resources or public health or safety, the department shall order the applicant to take action that the department considers necessary to address that adverse effect. Remedial action required by the department may include, but is not limited to:

A. Suspension or modification of project operations; or

B. Cessation of operations and removal of some or all elements of the project, including but not limited to the generating facilities, if there is no practicable alternative to address the adverse effect.

10. Project removal. Within 60 days of termination of the project pursuant to subsection 7 or 8, unless the applicant is pursuing a license for a commercial tidal power project at the site, and within 60 days of termination of the project pursuant to subsection 9, the applicant shall initiate implementation of the project removal plan provided for under subsection 3, paragraph A, subparagraph (6). If the applicant fails to begin implementing the plan within this 60-day period, the department may take such measures as it considers necessary to initiate and fully implement the plan by drawing on the financial surety provided pursuant to the project removal plan. The applicant's acceptance of the general permit constitutes agreement and consent by the applicant and its heirs, successors and assigns that the department may take such action as necessary to initiate and fully implement the project removal plan. The holder of the project removal funds shall release the project removal funds when the applicant has demonstrated and the department concurs that the project removal plan has been satisfactorily completed or upon written authorization by the department in the event the department implements the plan pursuant to this subsection.

11. Local review. A municipality may not enact or enforce any land use, zoning or other standard, conditions or requirement regarding a tidal energy demonstration project located within the municipality that is stricter than the standards, conditions or requirements of this section. The municipality has the burden of proof regarding the location of the project in relation to its boundaries. Any action by the municipality regarding its authorization to site, construct or operate a tidal energy demonstration project must be taken within 60 days of the granting of a general permit under this section.

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

Effective June 4, 2009.

CHAPTER 271

H.P. 1025 - L.D. 1474

An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy

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

Sec. 1. 26 MRSA §1043, sub-§5, as corrected by RR 1991, c. 1, §35, is amended to read:

5. Benefit year. "Benefit year" means the one-year period beginning with the date with respect to which an insured worker files a request for determination of ~~his~~ the worker's insured status, and thereafter the one-year period beginning with the date with respect to which ~~he~~ the worker next files such a request after the end of ~~his~~ the worker's last preceding benefit year. If an insured worker files a request for determination of ~~his~~ the worker's insured status during a week in which one calendar quarter ends and another begins, the benefit year for applicable base period identity purposes ~~shall be~~ is deemed to begin on the first day of the new calendar quarter.

B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a training program approved under section 1192, subsection 6, 6-A ~~or 6-B~~, 6-C, 6-D or 6-E who has exhausted ~~his~~ the worker's benefit year within 30 months of ~~his~~ the worker's enrollment in the training program~~, shall be~~ is entitled to the product of ~~his~~ the worker's most recent weekly benefit amount multiplied by the number of weeks in which that person is in an approved training program, up to a maximum of 26 weeks, provided that no benefits may be paid under this paragraph to any person:

(1) Until the person has exhausted benefits for which that person is eligible under any unemployment insurance benefit program funded in whole or in part by the State Government or Federal Government; or

(2) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks~~; or~~.

~~(3) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.~~

In the case of a combined-wage claim pursuant to the arrangement approved by the secretary in accordance with section 1082, subsection 12, the benefit year ~~shall be~~ is that applicable under the unemployment compensation law of the paying state.

Sec. 2. 26 MRSA §1191, sub-§4, as amended by PL 1987, c. 570, §2, is further amended to read:

4. Maximum amount of benefits. The maximum amount of benefits ~~which shall~~ that may be paid to any eligible individual with respect to any benefit year, whether for total or partial unemployment, ~~shall~~ may not exceed the lesser of 26 times ~~his~~ the individual's weekly benefit amount or 33 1/3%, rounded to the nearest dollar, of ~~his~~ the individual's total wages paid for insured work during ~~his~~ the individual's base period, plus the supplemental weekly benefit for dependents payable under subsection 6.

A. If a dislocated worker, as defined in section 1196, subsection 1, who is in training approved under section 1192, subsection 6, 6-A ~~or 6-B~~, 6-C, 6-D or 6-E qualifies for additional benefits under section 1043, subsection 5, paragraph B, or exhausts ~~his~~ the worker's entitlement to benefits available to ~~him~~ the worker under this subsection, the maximum amount under this subsection ~~shall be~~ is the product of ~~his~~ the worker's most recent weekly benefit amount multiplied by the number of weeks in which ~~he~~ the worker thereafter attends an approved training program. No increase may be made under this paragraph, with respect to any benefit period, greater than 26 times the individual's weekly benefit amount.

(1) Benefits paid to an individual under this paragraph ~~shall~~ may not be charged against the experience rating record of any employer, but ~~shall~~ must be charged to the General Fund.

(2) No benefits may be paid under this paragraph to any person:

(b) Until the person has exhausted benefits for which ~~he~~ the person is eligible under any unemployment insurance benefit program funded in whole or in part by the State Government or Federal Government; or

(c) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks~~; or~~.

~~(d) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.~~

Sec. 3. 26 MRSA §1192, sub-§6-D, as amended by PL 1995, c. 665, Pt. DD, §1 and affected by §12, is further amended to read:

6-D. Prohibition against disqualification of individuals in approved training. Notwithstanding any provisions of this chapter, the acceptance of training for opportunities available under ~~section~~ sections 2031 and 2033 is deemed to be acceptance of training with state approval under federal or state law relating to unemployment benefits.

Sec. 4. 26 MRSA §1196, sub-§1, ¶A, as enacted by PL 1985, c. 591, §5, is amended to read:

A. An individual who:

(1) Has been terminated or laid off from employment as a result of a reduction of operations at the individual's place of employment or who has received a notice of termination or layoff from employment;

~~(2) Is eligible for or has exhausted his entitlement to unemployment compensation; and~~

~~(3) Is unlikely to return to his previous industry or occupation;~~

Sec. 5. 26 MRSA §1196, sub-§2, ¶D, as enacted by PL 1985, c. 591, §5, is amended to read:

D. The success rate in placing trainees who receive benefits under those provisions; ~~and~~

Sec. 6. 26 MRSA §1196, sub-§2, ¶E, as enacted by PL 1985, c. 591, §5, is amended to read:

E. The total cost of benefits paid under those provisions and the effect on the Unemployment Trust Fund~~.~~; and

Sec. 7. 26 MRSA §1196, sub-§2, ¶F is enacted to read:

F. The number of persons participating in training while receiving extended unemployment benefits under those provisions during the report year who have previously completed a training program while receiving extended unemployment benefits under those provisions, including the length of time between those enrollments.

Sec. 8. Review; report. The Commissioner of Labor shall review the unemployment insurance program established under the Maine Revised Statutes, Title 26, chapter 13 to determine factors that contribute to the State's low recipiency rate relative to other states as determined by the United States Department of Labor, Office of Workforce Security, Division of Fiscal and Actuarial Services. For purposes of this section, "recipiency rate" means the number of insured unemployed persons in regular unemployment insurance programs as a percent of the total unemployed persons. The commissioner shall report findings, including any recommendations to improve the unemployment insurance recipiency rate, to the Joint Standing Committee on Labor by January 15, 2010. The Joint Standing Committee on Labor is authorized to introduce any legislation in response to this report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 272

H.P. 675 - L.D. 973

An Act To Provide for the Safe Collection and Recycling of Mercury-containing Lighting

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

Sec. 1. 38 MRSA §1672 is enacted to read:

§1672. Mercury-added lamps

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Manufacturer" means a person who manufactures a mercury-added lamp and has a presence in the United States or a person who imports a mercury-added lamp manufactured by a person who does not have a presence in the United States.

B. "Mercury-added lamp" means an electric lamp to which mercury is intentionally added during the manufacturing process, including, but not limited to, linear fluorescent, compact fluorescent, black light, high-intensity discharge, ultraviolet and neon lamps.

C. "Municipal collection site" means a solid waste disposal facility, transfer station, storage facility or recycling facility at which mercury-added lamps from households are collected for recycling that is municipally owned or operated or operated by a regional association.

D. "Person" means any individual, corporation, partnership, cooperative, association, firm, sole proprietorship, government agency or other entity.

2. Mercury content standards. The following provisions govern mercury content standards.

A. The department shall adopt rules establishing mercury content standards for lamps sold or manufactured in the State on or after January 1, 2012. The standards must be based on mercury content standards for lamps established in California. If one or more categories of lamps are not covered by the mercury content standards established in California, the department may adopt standards minimizing the mercury content of lamps within those categories, including adoption of a no-mercury standard if a nonmercury alternative is available at a cost comparable to a mercury alternative. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. The rules adopted under paragraph A must provide that:

(1) A manufacturer of mercury-added lamps sold or being offered for sale in the State shall prepare and, at the request of the department, submit within 28 days of the date of the request technical documentation or other information showing that the manufacturer's mercury-added lamps sold or offered for sale in the State comply with the rules. If the manufacturer of a mercury-added lamp being sold or offered for sale does not provide the documentation requested, that manufacturer may not be allowed to sell or offer for sale mercury-added lamps in the State; and

(2) A manufacturer of mercury-added lamps sold or being offered for sale in the State shall