

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2010**

~~bursement and credit certificate~~ the certified visual media production report pursuant to Title 5, section 13090-L, subsection 4, a visual media production company shall report to the State Tax Assessor that portion of certified production wages paid ~~during the project period for the certified visual media production~~, together with any additional information the assessor may reasonably require. The assessor shall certify to the State Controller the amounts to be transferred to the visual media production reimbursement account established, maintained and administered by the State Controller from General Fund undedicated revenue within the withholding tax category. The assessor shall pay those amounts to each visual media production company within 90 days of the receipt by the assessor of the visual media production company's report.

**3. Audit process.** This chapter may not be construed to limit the authority of the State Tax Assessor to conduct an audit of any visual media production company certified pursuant to Title 5, section 13090-L. When the assessor determines that a distribution larger than that authorized by this chapter has been received by any person, the assessor may enforce repayment of the overpayment by assessment pursuant to the provisions of chapter 7 or may apply the overpayment against subsequent reimbursements made pursuant to this chapter. If the assessor determines that an overpayment is the result of fraud on the part of a visual media production company, the assessor may disqualify that company from receiving any future distributions pursuant to this chapter.

**Sec. 8. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 36, chapter 919-A, in the chapter headnote, the words "media production reimbursement" are amended to read "visual media production reimbursement" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

## CHAPTER 471

### H.P. 997 - L.D. 1421

#### An Act To Ensure the Perpetual Care of Maine Veterans' Cemeteries

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

**Sec. 1. 37-B MRSA §512** is enacted to read:

### **§512. Maine Veterans' Memorial Cemetery System Care Fund**

**1. Maine Veterans' Memorial Cemetery System Care Fund establishment; purpose.** The Maine Veterans' Memorial Cemetery System Care Fund, known in this section as "the fund," is established for the purpose of ensuring ongoing care and maintenance of veterans' graves within the Maine Veterans' Memorial Cemetery System after plot interment allowances for burials within the system are no longer received from the United States Department of Veterans Affairs. The fund is established from deposits of 1/3 of the funds received from the United States Department of Veterans Affairs for plot interment allowances. The fund may also accept private and public donations. The fund is separate from other perpetual care or cemetery maintenance funds that support veterans' cemeteries and were established prior to the effective date of this section.

**Sec. 2. Expenditures prohibited.** An expenditure or promise of payment may not be made from the Maine Veterans' Memorial Cemetery System Care Fund established in the Maine Revised Statutes, Title 37-B, section 512 prior to the enactment of guidelines in statute that govern the investment of revenue, interest or principal from the fund and criteria by which expenditures for perpetual care are established.

**Sec. 3. Director of Bureau of Maine Veterans' Services to report on future investment plan.** The Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall consult with the Treasurer of State to develop an investment plan for the Maine Veterans' Memorial Cemetery System Care Fund established in the Maine Revised Statutes, Title 37-B, section 512 that provides appropriate guidelines for investment and expenditures from the fund. The director shall submit the report and any suggested legislation to the joint standing committee of the Legislature having jurisdiction over veterans' cemeteries no later than February 15, 2011. The joint standing committee of the Legislature having jurisdiction over veterans' cemeteries is authorized to submit a bill to the First Regular Session of the 125th Legislature based on the report.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

#### DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

##### Veterans Services 0110

Initiative: Establishes the Maine Veterans' Memorial Cemetery System Care Fund and provides a base allocation.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

See title page for effective date.

## CHAPTER 472 S.P. 603 - L.D. 1596

### An Act Regarding Mobile Service Bars at Municipal Golf Courses

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

**Whereas**, municipal golf courses serve as a popular recreation destination for residents of Maine and tourists alike; and

**Whereas**, the opportunity to visit golf courses in Maine can begin as early as April; 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. 28-A MRSA §1075-A, sub-§2, ¶A**, as enacted by PL 2003, c. 579, §4, is amended to read:

A. All individuals selling, serving or dispensing malt liquor from a mobile service bar are employees of the golf course, except as provided in subsection 2-A;

**Sec. 2. 28-A MRSA §1075-A, sub-§2, ¶K**, as enacted by PL 2003, c. 579, §4, is amended to read:

K. The operator of a mobile service bar has the ability and necessary tools to immediately contact a golf course employee working at the part of the golf course licensed as an on-premises establishment or an employee of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course for assistance in enforcing the provisions of this section.

**Sec. 3. 28-A MRSA §1075-A, sub-§2-A** is enacted to read:

**2-A. Municipal golf course.** Notwithstanding subsection 2, paragraph A, employees of a Class A restaurant or Class A restaurant/lounge operating under a contract with a municipal golf course that does not have a license to serve alcoholic beverages may sell, serve or dispense malt liquor from a mobile service bar under the same conditions prescribed by subsection 2.

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

Effective February 23, 2010.

## CHAPTER 473 S.P. 602 - L.D. 1595

### An Act To Provide Continued Protection of Benefits for Retirees of the Maine Public Employees Retirement System

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

**Sec. 1. 4 MRSA §1358, sub-§1, ¶A**, as amended by PL 2009, c. 433, §1, is further amended to read:

A. Except as provided in paragraph A-1, the board shall automatically adjust allowances, beginning in September 1985, and each September thereafter, by any percentage ~~change~~ increase in the Consumer Price Index from July 1st to June 30th, but only to a maximum annual increase ~~or decrease~~ of 4%. The board shall determine the cost of these adjustments and shall include them in its budget requests, if necessary.

**Sec. 2. 4 MRSA §1358, sub-§1, ¶A-1**, as enacted by PL 2009, c. 433, §2, is amended to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board ~~as provided in paragraph A~~ shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner. If the Consumer Price Index in the subsequent year or years is not sufficient to allow for the adjustment to be cost-neutral for the 2 years, then the adjustment needed for cost-neutrality must continue to be applied to following years until such time as the cost-neutrality requirement is met.

**Sec. 3. 5 MRSA §17806, sub-§1, ¶A**, as amended by PL 2009, c. 433, §3, is further amended to read: