

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.

Augusta, Maine
2010

Sec. 1. 32 MRSA §1866-E, sub-§8 is enacted to read:

8. Removal of beverage. The department may remove from sale a beverage that is sold or distributed in the State by an initiator of deposit who is not in compliance with the reporting and payment requirements established in this section if the department is notified by the State Tax Assessor of that noncompliance. The department shall allow the sale of the beverage to resume upon notification by the State Tax Assessor that all delinquent reports have been submitted and all payments are current.

Sec. 2. 36 MRSA §191, sub-§2, ¶PP is enacted to read:

PP. The disclosure of registration, reporting and payment information to the Department of Agriculture, Food and Rural Resources necessary for the administration of Title 32, chapter 28.

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

Effective April 1, 2010.

CHAPTER 593

H.P. 1298 - L.D. 1814

**An Act To Implement
Recommendations Concerning
Domestic Violence and
Parental Rights and
Responsibilities**

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

Sec. 1. 19-A MRSA §1653, sub-§1, ¶C, as enacted by PL 2001, c. 329, §1, is amended to read:

C. The Legislature finds and declares that, except when a court determines that the best interest of a child would not be served, it is the public policy of this State to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing in order to effect this policy.

Sec. 2. 19-A MRSA §1653, sub-§3, ¶L, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

L. The existence of domestic abuse between the parents, in the past or currently, and how that abuse affects:

- (1) The child emotionally; ~~and~~

- (2) The safety of the child; and

(3) The other factors listed in this subsection, which must be considered in light of the presence of past or current domestic abuse;

Sec. 3. 19-A MRSA §1653, sub-§3, ¶Q, as amended by PL 2005, c. 567, §2, is further amended to read:

Q. The existence of a parent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203; ~~and~~

Sec. 4. 19-A MRSA §1653, sub-§3, ¶R, as enacted by PL 2005, c. 567, §3, is amended to read:

R. If there is a person residing with a parent, whether that person:

- (1) Has been convicted of a crime under Title 17-A, chapter 11 or 12 or a comparable crime in another jurisdiction;

- (2) Has been adjudicated of a juvenile offense that, if the person had been an adult at the time of the offense, would have been a violation of Title 17-A, chapter 11 or 12; or

- (3) Has been adjudicated in a proceeding, in which the person was a party, under Title 22, chapter 1071 as having committed a sexual offense; and

Sec. 5. 19-A MRSA §1653, sub-§3, ¶S is enacted to read:

S. Whether allocation of some or all parental rights and responsibilities would best support the child's safety and well-being.

See title page for effective date.

CHAPTER 594

H.P. 1316 - L.D. 1829

**An Act To Support the Dairy
Industry**

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

Sec. 1. PL 2009, c. 467, §10 is amended to read:

Sec. 10. Administrator authorized to make monthly adjustments during the period from July 1, 2010 to June 30, 2011. During the period from July 1, 2010 to June 30, 2011, the administrator of the Maine Milk Pool shall monitor milk price projections and each month calculate the amounts to be paid out under the dairy stabilization program for fiscal year 2010-11 based on these projections. The ad-

ministrator may adjust the amount requested and the amount distributed in any month during this period based on the most recent projections and calculations. The administrator may reduce payments only if projections indicate that the total distributions under the stabilization program ~~will exceed \$17,361,291~~ in the biennium consisting of fiscal years 2009-10 and 2010-11 will exceed \$17,361,291 prior to March 1, 2011.

If projections indicate that total distributions will exceed \$17,361,291 prior to March 1, 2011, the administrator shall adjust payments distributed in October 2010 to ~~June~~ January 2011 on milk produced in the months of September 2010 to ~~May 2011~~ December 2010 by multiplying the target price for each tier by the same percent. The administrator shall adjust payments distributed in July, August and September 2010 on milk produced in June, July and August 2010, respectively, in accordance with sections 11 and 12.

Sec. 2. PL 2009, c. 467, §11 is amended to read:

Sec. 11. Calculation of payments for milk produced June 1, 2010 to August 31, 2010. Notwithstanding the Maine Revised Statutes, Title 7, section 3153-B, if projections indicate that total distributions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011, the administrator of the Maine Milk Pool shall calculate and make payments to Maine milk producers in accordance with this section for milk produced from June 1, 2010 to August 31, 2010.

1. No later than June 15, 2010, the administrator of the Maine Milk Pool shall assign each producer to one of 4 tiers based on that producer's total production during the 12-month period beginning June 1, 2009 and ending May 31, 2010.

2. Upon receiving the monthly production data ~~for~~ for June 2010, the administrator shall:

- A. Calculate the amount of money due each producer in accordance with Title 7, section 3153-B, subsection 4;
- B. Reduce each producer's payment by a percentage established in section 12; and
- C. Certify to the State Controller the amounts to be transferred and distributed.

3. The administrator shall calculate payments for milk produced in June 2010, July 2010 and August 2010 in the manner prescribed in subsection 2, paragraphs A, B and C.

Sec. 3. PL 2009, c. 467, §12 is amended to read:

Sec. 12. Reductions in payments for milk produced in June 2010, July 2010 and August 2010. ~~The~~ If projections indicate that total distribu-

tions from the dairy stabilization program will exceed \$17,361,291 prior to March 1, 2011, the administrator of the Maine Milk Pool shall determine the percentage reduction in payments required under section 11, subsection 2, paragraph B in a manner that results in:

- 1. Each producer within a tier receiving the same percentage reduction in payment for a month as other producers in that tier receive for that month; and
- 2. Percentage reductions between adjacent tiers in a ratio of 1 to 2, progressing from tier 1 to tier 4.

See title page for effective date.

CHAPTER 595

H.P. 984 - L.D. 1408

An Act To Establish the Universal Childhood Immunization Program

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

Sec. 1. 5 MRSA §12004-G, sub-§15-B is enacted to read:

15-B.

<u>Human</u>	<u>Maine Vaccine</u>	<u>Not</u>	<u>22 MRSA</u>
<u>Services:</u>	<u>Board</u>	<u>Authorized</u>	<u>§1066</u>
<u>Immunization</u>			

Sec. 2. 22 MRSA §1066 is enacted to read:

§1066. Universal Childhood Immunization Program

1. Program established. The Universal Childhood Immunization Program is established to provide all children from birth until 19 years of age in the State with access to a uniform set of vaccines as determined and periodically updated by the Maine Vaccine Board. The program is administered by the department for the purposes of expanding access to immunizations against all diseases as recommended by the federal Department of Health and Human Services, Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, optimizing public and private resources and lowering the cost of providing immunizations to children. The program is overseen by the Maine Vaccine Board.

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

- A. "Advisory committee" means the Advisory Committee on Immunization Practices of the United States Department of Health and Human