

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

Notwithstanding Title 7, section 3153-B, in fiscal years 2009-10 and 2010-11, the administrator of the Maine Milk Pool may not distribute payments for dairy stabilization support that in the aggregate exceed ~~\$17,361,291~~ \$17,961,291.

Sec. GG-2. Payments under the dairy stabilization program in March through June of 2011. Beginning March 1, 2011 and continuing through June 30, 2011, the administrator of the Maine Milk Pool shall calculate and make monthly payments to producers for milk produced in the previous month in accordance with the Maine Revised Statutes, Title 7, section 3153-B and Public Law 2009, chapter 467, section 9 unless or until the cap of \$17,961,291 established in section 1 of this Part is reached.

PART HH

Sec. HH-1. Transfer; unexpended funds; Board of Pesticides Control account. Notwithstanding any other provision of law, the State Controller shall transfer \$225,000 by the close of fiscal year 2010-11 from the Board of Pesticides Control, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund.

PART II

Sec. II-1. Payment. Notwithstanding any other provision of law, the Finance Authority of Maine shall pay \$425,000 from interest earned in the Agricultural Marketing Loan Fund to the State as undedicated General Fund revenue no later than June 30, 2011.

PART JJ

Sec. JJ-1. 22 MRSA §3022, sub-§2, as amended by PL 1997, c. 643, Pt. G, §1, is further amended to read:

2. Appointment and qualifications of the Deputy Chief Medical Examiner. The Chief Medical Examiner may select one or more of the medical examiners to serve as deputy chief medical examiners. The Deputy Chief Medical Examiner serves at the pleasure of the Chief Medical Examiner and, if salaried, is unclassified. The salary of the Deputy Chief Medical Examiner must be set in salary range ~~56~~ 59 of the Standard Salary Schedule for Medical Personnel as published by the Bureau of Human Resources. In the event of the Deputy Chief Medical Examiner's temporary absence, the Chief Medical Examiner or, if the Chief Medical Examiner is unavailable, the Attorney General may designate one of the deputy chief medical examiners to serve as acting Chief Medical Examiner. The acting Chief Medical Examiner has all of the powers and responsibilities of the Chief Medical Examiner.

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

Effective February 8, 2011, unless otherwise indicated.

CHAPTER 2

S.P. 75 - L.D. 224

An Act To Provide Temporary Changes to the Extended Benefit Triggers in Accordance with the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010

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

Whereas, there is a federal option that permits the State to use a temporary 3-year look-back period instead of the required 2-year look-back period so the State's long-term unemployed workers can continue to receive extended benefits; and

Whereas, effective December 17, 2010, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111-312 made changes to the laws governing extended benefits in the unemployment compensation program, under which this option exists, such that in most cases 100% of the benefits paid out under this program would continue to be paid by the federal government for weeks of unemployment beginning after February 17, 2009 and before January 4, 2012 if the trigger thresholds continue to be met; and

Whereas, it is likely that as many as 7,100 unemployed workers of the State would benefit from temporary changes to the triggers for extended benefits in the unemployment compensation program if adopted by the State; 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. Insured unemployment rate trigger. In addition to the conditions provided in the Maine Revised Statutes, Title 26, section 1195, there is a state "on" indicator for a week in the period begin-

ning December 19, 2010 and ending on or before December 31, 2011 or until the date established in federal law permitting a state "on" indicator, whichever is later, if the Commissioner of Labor determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks the rate of insured unemployment not seasonally adjusted equaled or exceeded 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 3 calendar years and equaled or exceeded 5%.

There is a state "off" indicator for this State for a week if the Commissioner of Labor determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks the rate of insured unemployment not seasonally adjusted was less than 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 3 calendar years or was less than 5%.

Sec. 2. Alternative trigger. In addition to the conditions provided in the Maine Revised Statutes, Title 26, section 1195 and Public Law 2009, chapter 33, there is a state "on" indicator for a week in the period beginning December 19, 2010 and ending on or before December 31, 2011 or until the date established in federal law permitting this provision, whichever is later, if:

1. The average rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of that week equals or exceeds 6.5%; and

2. The average rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, for the 3-month period referred to in subsection 1 equals or exceeds 110% of the average rate for any or all of the corresponding 3-month periods ending in the 3 preceding calendar years.

There is a state "off" indicator for a week based on the rate of total unemployment only if the period consisting of the most recent 3 months for which data for all states are published before the close of such week does not result in a state "on" indicator.

Sec. 3. High unemployment period. In addition to the conditions provided in the Maine Revised Statutes, Title 26, section 1195 and Public Law 2009, chapter 33, there is a state "on" indicator for a week in the period beginning December 19, 2010 and ending on or before December 31, 2011 or until the date established in federal law permitting this provision, whichever is later, if:

1. The average rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of that week equals or exceeds 8%; and

2. The average rate of seasonally adjusted total unemployment in this State, as determined by the United States Secretary of Labor, for the 3-month period referred to in subsection 1 equals or exceeds 110% of the average rate for any or all of the corresponding 3-month periods ending in the 3 preceding calendar years.

There is a state "off" indicator for a week based on the rate of total unemployment only if the period consisting of the most recent 3 months for which data for all states are published before the close of such week does not result in a state "on" indicator.

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

Effective February 18, 2011.

CHAPTER 3

H.P. 32 - L.D. 39

**An Act Related to Family Law
Magistrates**

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

Sec. 1. 4 MRSA §183, sub-§1, ¶G, as enacted by PL 2005, c. 384, §1, is amended to read:

G. The Chief Judge of the District Court may allow family law magistrates to wear robes of ~~any color other than black~~ when presiding over any proceeding.

See title page for effective date.

CHAPTER 4

S.P. 25 - L.D. 10

**An Act To Clarify the Method
of Creating or Severing Joint
Tenancy**

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

Sec. 1. 33 MRSA §159, as amended by PL 1973, c. 788, §164, is further amended to read: