

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

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Augusta, Maine
2011

ble, and the corresponding address and location; ~~and~~

(4) The statutory citation and name of the offense for which the registrant was convicted; ~~and~~

(5) The registrant's designation as a 10-year registrant or a lifetime registrant.

See title page for effective date.

CHAPTER 308

H.P. 1007 - L.D. 1368

An Act To Adjust Payroll Processor License Fees

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

Sec. 1. 10 MRSA §1495, sub-§§1-B to 1-D are enacted to read:

1-B. Full-service payroll processor license. "Full-service payroll processor license" means a license permitting a payroll processor to prepare and issue payroll checks, prepare and file state or federal income withholding tax reports and unemployment insurance compensation reports and collect, hold and turn over to the State Tax Assessor or to federal tax authorities income withholding taxes or unemployment insurance contributions.

1-C. Issue payroll checks. To "issue payroll checks" means to provide redeemable payroll payment instruments and includes functions performed by a payroll processor that holds a signature stamp, electronic signature or presigned check stock from the employer, but does not include functions performed by a payroll processor that provides unsigned checks to the employer for distribution by the employer.

1-D. Limited payroll processor license. "Limited payroll processor license" means a license that permits a payroll processor to prepare and issue payroll checks and prepare and file state or federal income withholding tax reports and unemployment insurance compensation reports, but does not permit the licensee to collect, hold or turn over to the State Tax Assessor or to federal tax authorities income withholding taxes or unemployment insurance contributions.

Sec. 2. 10 MRSA §1495, sub-§2, as amended by PL 1997, c. 668, §2, is further amended to read:

2. Payroll processing services. "Payroll processing services" means preparing and issuing payroll checks; preparing and filing state or federal income withholding tax reports or unemployment insurance contribution reports; or collecting, holding and turning over to the State Tax Assessor or to federal tax au-

thorities income withholding taxes pursuant to Title 36, chapter 827 or federal law or unemployment insurance contributions pursuant to Title 26, chapter 13, subchapter 7 or federal law.

Sec. 3. 10 MRSA §1495, sub-§4 is enacted to read:

4. Restricted payroll processor license. "Restricted payroll processor license" means a license that permits a payroll processor to prepare and file state or federal income withholding tax reports and unemployment insurance compensation reports, but does not permit the licensee to collect, hold or turn over to the State Tax Assessor or to federal tax authorities income withholding taxes or unemployment insurance contributions or to issue payroll checks.

Sec. 4. 10 MRSA §1495-D, sub-§2, as enacted by PL 2003, c. 668, §6 and affected by §12, is amended to read:

2. Proof of fidelity insurance. Each applicant for a limited payroll processor license, and each applicant for a full-service payroll processor license that issues payroll checks, shall provide to the administrator proof of one of the following, at the applicant's option, in an amount 2 times the highest weekly payroll processed by the applicant in the preceding year or in the amount of \$5,000,000, whichever is less:

- A. Fidelity bond;
- B. Employee dishonesty bond;
- C. Third-party fidelity coverage; or
- D. Liability insurance, including crime coverage.

Sec. 5. 10 MRSA §1495-D, sub-§4, as amended by PL 2005, c. 278, §3, is repealed and the following enacted in its place:

4. Fees. The initial license application and annual renewal application must include the fees set out in this subsection.

A. The fee for a full-service payroll processor license or a limited payroll processor license is \$200 if the payroll processor has fewer than 25 employers as payroll processing clients; \$500 if the payroll processor has from 25 to 500 employers as payroll processing clients; and \$800 for those payroll processors that have more than 500 employers as payroll processing clients.

B. The fee for a restricted payroll processor license is \$100.

The aggregate of license fees and other fees and assessments provided for by this chapter is appropriated for the use of the administrator. Any balance of these funds does not lapse but must be carried forward to be expended for the same purpose in the following fiscal year.

Sec. 6. 10 MRSA §1495-F, sub-§3-A is enacted to read:

3-A. Accounting standards and escrow requirement. To facilitate the administrator's compliance examination responsibilities, a payroll processor shall maintain a trust account for client funds in accordance with generally accepted accounting principles, international accounting standards or other recognized accounting standards. A payroll processor may not commingle funds held on behalf of its clients with the payroll processor's operating funds.

See title page for effective date.

CHAPTER 309

H.P. 361 - L.D. 468

An Act To Amend the Laws Governing Bear Hunting

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

Sec. 1. 12 MRSA §10902, sub-§6, ¶E, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

E. Buying or selling bear, hunting or trapping bear after having killed ~~one~~ 2 or exceeding the bag limit on bear, in violation of section 11217 ~~or~~ 11351 or 12260;

Sec. 2. 12 MRSA §11351, sub-§1, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §162 and affected by §422, is further amended to read:

1. Hunting or trapping bear; 2-bear limit. A person may not hunt or trap bear after that person has killed or registered one during ~~any~~ an open season under section 11251 and one during the open season on trapping bear under section 12260.

Sec. 3. 12 MRSA §11351, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §163 and affected by §422, is further amended to read:

2. Exceeding bag limit on bears. A person may not possess more than ~~one bear~~ 2 bears in any calendar year, except a person may keep more than one legally obtained bear in that person's home or as otherwise provided in law.

Sec. 4. 12 MRSA §12051, sub-§1, ¶C, as amended by PL 2009, c. 550, §7, is further amended to read:

C. A resident may train up to 6 dogs at any one time on bear from July 1st to the ~~first day of~~ 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

Sec. 5. 12 MRSA §12260, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Trapping bear after having killed one. A person may not trap a bear after that person has killed or registered one ~~during any open season~~ trapped pursuant to this section. A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not ~~to~~ to exceed 180 days and a fine of not less than \$1,000, none of which may be suspended.

Sec. 6. 12 MRSA §12260, sub-§5, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §222 and affected by §422, is further amended to read:

5. Exceeding bag limit on bears. Except as otherwise provided in this Part, a person may not possess more than ~~one bear~~ 2 bears in any calendar year. A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days and a fine of not less than \$1,000, none of which may be suspended.

See title page for effective date.

CHAPTER 310

H.P. 1116 - L.D. 1513

An Act To Clarify the Maine State Lottery Agent Licensing Process

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

Sec. 1. 8 MRSA §371, sub-§5, as enacted by PL 1987, c. 505, §2, is amended to read:

5. Person. "Person" means an individual, association, corporation, limited liability company, limited partnership, limited liability partnership, partnership, club, trust, estate, society, company, receiver, trustee, assignee, referee or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" means all departments, commissions, agencies and instrumentalities of the State, including counties and municipalities and agencies and instrumentalities thereof.

Sec. 2. 8 MRSA §372, sub-§2, ¶¶A, B and D, as enacted by PL 1987, c. 505, §2, are amended to read:

A. Supervise the operation of lotteries in accordance with this chapter and chapter 16 and with the rules ~~promulgated~~ adopted under this chapter and chapter 16;