

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$2,500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,500

Licensing and Enforcement 0352

Initiative: Provides a one-time allocation in fiscal year 2012-13 for the rule-making costs associated with the licensing of pharmacy interns by the Maine Board of Pharmacy.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$2,500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,500

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS

	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$5,000
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$5,000

See title page for effective date.

CHAPTER 497

S.P. 562 - L.D. 1663

An Act To Correct Errors in Recently Enacted Laws Governing Agency Liquor Stores

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

Whereas, Public Law 2011, chapter 460 was enacted into law in the First Regular Session of the 125th Legislature; and

Whereas, as a result of a clerical error, provisions in the enacted law do not reflect the language

contained in the legislative documents that were adopted by the Legislature; and

Whereas, it is necessary to immediately correct this error; 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 §1010-A, sub-§2, ¶A, as enacted by PL 2011, c. 460, §2, is amended to read:

A. Full-time, one year, after payment of the initial agency liquor store license fee under section 453-B, ~~\$775~~ \$700. The license may be prorated; and

Sec. 2. 28-A MRSA §1013, as enacted by PL 2011, c. 460, §3, is repealed.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Office of Substance Abuse 0679

Initiative: Deallocates funds no longer required for underage drinking prevention programs.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	(\$750)	(\$750)
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OTHER SPECIAL REVENUE FUNDS TOTAL	(\$750)	(\$750)

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

Effective March 14, 2012.

CHAPTER 498

H.P. 1321 - L.D. 1795

An Act Regarding the Oversight and Safety of Certain Commercial Vessels Operating in Maine Waters

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

Sec. 1. 38 MRSA §87-A, sub-§1, ¶D, as amended by PL 2011, c. 14, §1, is repealed.

Sec. 2. P&SL 1981, c. 98, §5, sub-§2, 2nd ¶ is amended to read:

~~This section shall does not apply to vessels under enrollment, fishing vessels or vessels powered by sail. This section shall not apply to vessels primarily engaged in the carriage of passengers for hire which operate on a published annual schedule and which are not in excess of 500 feet overall length and have a draft not in excess of 20 feet, so long as the master of any such vessel has navigated that specific vessel on the above described waters with the assistance of a pilot for a minimum of 15 round trips of ingress and egress to the above described waters. Provided, that a pilot shall pilot such vessel as described in this paragraph upon the above described waters at least one round trip during each calendar month that the vessel operates upon the above described waters and at such other times as may be required by the Department of Transportation to ensure port safety after hearing and notice.~~

See title page for effective date.

CHAPTER 499

H.P. 1352 - L.D. 1832

An Act To Increase the Amount of Time an Employer May Employ an Employee without Being Charged for Unemployment Benefits

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

Sec. 1. 26 MRSA §1221, sub-§3, ¶C, as amended by PL 1965, c. 381, §19, is further amended to read:

C. For the purposes of paragraph A, the experience rating record of the most recent subject employer ~~shall~~ may not be charged with benefits paid to a claimant whose work record with such employer totaled ~~5~~ 6 consecutive weeks or less of total or partial employment, but in such case the most recent subject employer with whom claimant's work record exceeded ~~5~~ 6 consecutive weeks of total or partial employment ~~shall~~ must be charged, if such employer would have otherwise been chargeable had not subsequent employment intervened.

This paragraph is repealed March 14, 2014.

Sec. 2. 26 MRSA §1221, sub-§3, ¶C-1 is enacted to read:

C-1. Beginning March 14, 2014, for the purposes of paragraph A, the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with such employer totaled 5 consecutive weeks or less of total or partial employment, but in such case the most recent subject employer with whom the claimant's work record exceeded 5 consecutive weeks of total or partial employment must be charged, if such employer would have otherwise been chargeable had not subsequent employment intervened.

Sec. 3. Report. The Commissioner of Labor shall submit a report by December 15, 2013 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the change made pursuant to this Act, specifically with regard to increasing the number of weeks to 6 for which an individual can work for an employer before the employer becomes potentially chargeable for unemployment benefits paid upon separation of that work. In addition to reporting the total impact of the change to the Unemployment Insurance Trust Fund, the report must include the impact on the number of employers affected and on prior employers who are charged for any ensuing benefits as a result of this change, as well as the impact on all employers if the costs are spread out among all employers. The commissioner shall include any employer comments received pertaining to this change.

The joint standing committee is authorized to introduce a bill related to the commissioner's report to the Second Regular Session of the 126th Legislature.

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 26, section 1221, subsection 3, paragraph C-1 takes effect March 14, 2014.

See title page for effective date, unless otherwise indicated.

CHAPTER 500

H.P. 1250 - L.D. 1698

An Act To Establish Veterans Treatment Courts

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

Whereas, studies have shown that combat service may exact a tremendous psychological toll on members of the United States Armed Forces who are faced with the constant threat of death or injury over an extended period of time; and