

# 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.**

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**Augusta, Maine**  
**2012**

**Sec. 1. 38 MRSA §87-A, sub-§1, ¶D**, as amended by PL 2011, c. 14, §1, is repealed.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

**Whereas**, researchers have shown that a significant number of members of the United States Armed Forces who have served in Iraq and Afghanistan will suffer, as a result of their military service, mental health injuries, such as post-traumatic stress disorder, depression, anxiety and acute stress, and injuries that affect brain function, such as traumatic brain injury; and

**Whereas**, such combat-related injuries, and the use of drugs and alcohol to cope with such injuries, can lead to encounters with the criminal justice system that would not have occurred without the combat-related injuries; and

**Whereas**, while the vast majority of returning members of the United States Armed Forces do not have contact with the criminal justice system, and most veterans and members of the United States Armed Forces are well-adjusted, contributing members of society, psychiatrists and law enforcement officials agree that combat-related injuries have led to instances of criminality; and

**Whereas**, as a grateful State, we must continue to honor the military service of our men and women by providing them with an alternative to incarceration when feasible, permitting them instead to obtain proper treatment for mental health and substance abuse problems that have resulted from military service; and

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period because veterans are returning from Afghanistan and Iraq every day and need help as soon as possible, if involved in the criminal justice system, to readjust to society; 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. 4 MRSA c. 8-B** is enacted to read:

**CHAPTER 8-B**

**VETERANS TREATMENT COURTS**

**§433. Veterans treatment courts**

**1. Definition.** As used in this section, unless the context otherwise indicates, "veterans treatment court" means a specialized sentencing docket in select criminal cases in which the defendant is a veteran or member of the United States Armed Forces to enable veterans agencies and social services agencies to provide treatment for that defendant. The court does not provide treatment but contracts or collaborates with experienced and expert treatment providers.

**2. Chief Justice may establish.** The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts for veterans and members of the United States Armed Forces. The Supreme Judicial Court may adopt administrative orders and court rules of practice and procedure as necessary.

**3. Federal funding; contracts; cooperative agreements.** The State Court Administrator, district attorneys, the Department of the Attorney General, the Department of Corrections, the Department of Defense, Veterans and Emergency Management, the Department of Public Safety, the Department of Health and Human Services and private service agencies may seek federal funding as it becomes available for the establishment, maintenance and expansion of veterans treatment courts and for the provision by participating agencies of treatment to participating veterans. The Administrative Office of the Courts may enter into contracts and cooperative agreements with the departments and agencies to provide treatment and other social services to participants. The departments and agencies shall collaborate and, to the extent possible, provide financial and other assistance to the judicial branch in order to establish and maintain veterans treatment courts.

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

Effective March 14, 2012.

**CHAPTER 501**

**S.P. 594 - L.D. 1735**

**An Act To Promote Jobs in the  
Motor Coach Industry by  
Providing a Sales Tax  
Exemption for Certain Buses**

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

**Sec. 1. 36 MRSA §1760, sub-§41, ¶B**, as enacted by PL 2009, c. 361, §19 and affected by §37, is amended to read:

B. For purposes of this subsection, personal property is not in use as an instrumentality of interstate or foreign commerce when carrying ~~only~~ only large a bona fide payload that both originates and terminates within the State, unless the personal property is a bus with a capacity of at least 47 passengers that is engaged in transporting within the State a bona fide payload of travelers on an interstate or foreign cruise that originates outside the State and terminates outside the State and the transportation is provided pursuant to a contract