

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

good cause or approves an alternative arrangement for payment of support in accordance with section 2657.

Sec. 7. 19-A MRSA §2660, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§2660. Priority of order

Notwithstanding any other provision of law, ~~an~~ immediate income withholding ~~order issued~~ ordered under this subchapter has priority over any previously filed attachment, execution, garnishment or assignment of income that is not made for the purpose of enforcing or paying child or spousal support.

Sec. 8. 19-A MRSA §2662, first ¶, as amended by PL 1997, c. 669, §11, is further amended to read:

Upon service of ~~an immediate income withholding order~~ the notice required under section 2655, a payor is liable for any income that the payor knowingly fails to withhold and send to the department within 7 business days of the day on which the obligor is usually paid. The department, or obligee if the obligee implemented the withholding ~~order~~ as a private action, may maintain a civil action against the payor for the income the payor does not withhold and send to the department as required by the withholding support order and for the imposition of any of the civil penalties provided for in this section, plus attorney's fees and court costs.

Sec. 9. 19-A MRSA §2662, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Discrimination against obligors. A payor who discharges from employment or refuses to employ an obligor or who takes disciplinary action against an obligor employed by the payor or who otherwise discriminates against the obligor because of the existence of a support order or an income withholding order or the obligations imposed upon the payor by the an order is subject to a civil penalty not to exceed \$5,000, payable to the State, to be recovered in a civil action. The payor is also subject to an action by the obligor for compensatory and punitive damages for those actions, plus attorney's fees and court costs.

Sec. 10. 19-A MRSA §2664, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§2664. Copies

The clerk of the court shall send to the department ~~an attested~~ a copy of each order in which a child support obligation is established or modified ~~and an attested copy of the immediate income withholding order~~.

Sec. 11. 19-A MRSA §2667, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§2667. Payor immunity

A payor of income who honors a child support order subject to income withholding, an income withholding order under this subchapter or a notice under section 2655 may not be held liable by the obligor for income withheld in compliance with the order.

Sec. 12. 19-A MRSA §2668, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§2668. Other remedies

~~An income~~ Income withholding ~~order issued or~~ ordered under this subchapter is an additional remedy to enforce a support order and does not limit the use of other legal remedies that may be available for collection of child and spousal support.

Sec. 13. 19-A MRSA §2671, as enacted by PL 1997, c. 537, §52 and affected by §62, is repealed.

See title page for effective date.

CHAPTER 529

S.P. 585 - L.D. 1720

**An Act To Increase the
Membership of the Homeland
Security Advisory Council**

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

Sec. 1. 37-B MRSA §708, sub-§1, as enacted by PL 2005, c. 634, §12, is amended to read:

1. Membership. The council is composed of the following ~~6~~ 9 members:

- A. The director;
- B. The Commissioner of Defense, Veterans and Emergency Management;
- C. The Commissioner of Public Safety;
- D. The Director of the ~~Bureau of Health~~ Maine Center for Disease Control and Prevention within the Department of Health and Human Services;
- E. The Chief of the State Police within the Department of Public Safety; ~~and~~
- F. A representative of the Governor;
- G. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
- H. The Commissioner of Marine Resources or the commissioner's designee; and

I. The Commissioner of Conservation or the commissioner's designee.

The director is the chair of the council. The Commissioner of Defense, Veterans and Emergency Management is the advisor of the council. Commissioner designees must be uniformed law enforcement personnel.

See title page for effective date.

CHAPTER 530

H.P. 1289 - L.D. 1748

An Act To Conform the Maine Tax Laws for 2011 to the United States Internal Revenue Code

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

Whereas, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2011; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 2011, c. 1, Pt. P, §1 and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2010~~ 2011.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2011 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2011.

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

Effective March 18, 2012.

CHAPTER 531

S.P. 534 - L.D. 1624

An Act To Lessen the Regulatory Burden on Medical Laboratories by Removing Outdated Requirements from the Maine Medical Laboratory Act

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

Sec. 1. 22 MRSA §2016, first ¶, as amended by PL 1991, c. 528, Pt. J, §1 and affected by Pt. RRR and amended by c. 591, Pt. J, §1, is further amended to read:

Application must be made on a form prescribed by the department. Licenses must be issued to perform testing in one or more of the following categories or specialties: ~~Histocompatibility~~ Histocompatibility; microbiology, including subcategories bacteriology, mycology, parasitology, virology; immunology or serology, including subcategories syphilis and non-syphilis; chemistry, including subcategories routine, clinical microscopy or urinalysis and other, including toxicology; hematology, including coagulation; immunohematology, including subcategories blood group and Rh typing, Rh titers, cross matching, antibody detection and identification; pathology, including subcategories tissue, oral, diagnostic cytology; and radiobioassay. All applications must be accompanied by a license application fee. The application ~~must be notarized and~~ must contain the following information:

Sec. 2. 22 MRSA §2031-A is enacted to read:

§2031-A. Itemized billing statements

A medical laboratory that performs services under this Act shall send an itemized billing statement to the patient.

Sec. 3. 22 MRSA §2032, as repealed and replaced by PL 1975, c. 218, is repealed and the following enacted in its place:

§2032. Specimens

The following persons may collect or process specimens: licensed health care professionals; designees of licensed health care professionals acting within their scope of practice; and qualified medical laboratory personnel who are authorized by the director of the medical laboratory.

Sec. 4. 22 MRSA §2033, as repealed and replaced by PL 1975, c. 218, is amended to read:

§2033. Rebates or fee splitting prohibited

The owner or director of a laboratory licensed under this Act, either personally or through an agent,