

# 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**

- J. Coordination of employer consortia to access specialized training;
- K. Technical assistance on work force capacity issues;
- L. Technical assistance on worker training plans;
- M. Small business training and technical assistance; and
- N. Supportive services.

**7. Program standards.** The standards used by the Department of Labor and the Department of Economic and Community Development to evaluate the success of a project must include, but are not limited to:

- A. The number of jobs created or retained in the project and participant demographics;
- B. The cost per participant;
- C. The average wage paid and benefits provided to participants at training completion;
- D. The skills required by the participant to obtain jobs through the training program;
- E. The number and percentage of participants who do not complete each program; and
- F. The return on investment.

**8. Eligibility for funding.** Applicants eligible to receive funding from the program include, but are not limited to, employers, regional and local economic development agencies or partnerships, community-based organizations, job training service providers, registered apprenticeship service providers, local adult education providers and postsecondary education institutions.

An applicant that is not a business shall demonstrate, in partnership with a business or a consortium of businesses, the ability to link training services with actual job creation, expansion, upgrade or retention. Training provided under this section is considered approved training under the unemployment insurance laws and the laws regarding dislocated workers administered by the Department of Labor.

Training funds authorized under this section must be paid to the employer on a reimbursement basis.

**9. Report.** ~~The For any year in which the program is funded, the~~ Commissioner of Labor and the Commissioner of Economic and Community Development shall provide, to the joint standing committee of the Legislature having jurisdiction over labor ~~mat- ters and the joint standing committee of the Legisla- ture having jurisdiction over business, commerce, re- search~~ and economic development matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; an annual report by March 1st of ~~each the next~~ year,

which must include, for each business assisted under this subchapter, the name and location of ~~each the~~ business, the number of individuals trained or re-trained, the dollar amount expended and, when applicable, the number of new jobs created.

**10. Rules.** Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**11. Nonlapsing funds.** Any unencumbered balance of General Fund appropriations remaining at the end of each fiscal year in this program may not lapse but must be carried forward to be used for the same purposes.

**Sec. 3. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 25, subchapter 4, in the subchapter headnote, the words "governor's training initiative program" are amended to read "governor's jobs initiative program" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 574**

**H.P. 1399 - L.D. 1895**

**An Act To Protect Consumers  
by Strengthening the Laws  
Governing Prepaid Home  
Heating Oil Contracts**

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

**Whereas,** several home heating oil retailers have abruptly closed their businesses; and

**Whereas,** many customers of these retailers were owed heating oil and were left without a refund or the oil, and the current laws have been unable to sufficiently protect these customers; 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. 10 MRSA §1110, sub-§§1-A and 1-B** are enacted to read:

**1-A. Registration.** A home heating oil, kerosene or liquefied petroleum gas dealer who offers prepaid

contracts under this section shall register the dealer's intent to offer such contracts with the Commissioner of Professional and Financial Regulation by June 30th of each year. Registration must be on a form provided by the commissioner, accompanied by a fee of \$100. Fees received under this subsection must be used by the commissioner to administer this section. 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.

**1-B. Report.** A home heating oil, kerosene or liquefied petroleum gas dealer who offers prepaid contracts under this section shall file an annual report with the Commissioner of Professional and Financial Regulation by October 31st of each year demonstrating how the dealer has satisfied the requirements of this section, including how the prepaid contracts are secured. The report must be made on a form provided by the commissioner. The form must conspicuously bear the warning that making a false statement on the form is a Class D crime under Title 17-A, section 453. The report must be signed by the dealer. If the dealer is a corporation, the report must be signed by either the president or an officer of the corporation and must include a list of all of the members of the board of directors of the corporation. The commissioner may not charge a fee for the form or for filing the report.

**Sec. 2. 10 MRSA §1110, sub-§§6 to 9** are enacted to read:

**6. Enforcement.** The Commissioner of Professional and Financial Regulation shall refer to the Attorney General for investigation any dealer that has filed a registration form under subsection 1-A and has failed to file a report demonstrating how the contracts are secured pursuant to subsection 1-B.

**7. Prosecution.** The Attorney General may prosecute a person making a false statement on the report required by subsection 1-B for unsworn falsification under Title 17-A, section 453 and may prosecute failure to file the report required by subsection 1-B as an unfair trade practice.

**8. Unfair trade practice.** A violation of any of the requirements of this section is a violation of the Maine Unfair Trade Practices Act.

**9. Rules.** The Commissioner of Professional and Financial Regulation may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

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

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Allocates one-time funds to reconfigure the licensing system to accommodate the registration of fuel dealers who offer prepaid contracts to residents of the State.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$12,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,000	\$0

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

Effective March 30, 2012.

**CHAPTER 575  
H.P. 1384 - L.D. 1870**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately in order to achieve savings authorized in this Act; 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:**