

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

Sec. 21. 9 MRSA §5011-A, last ¶, as enacted by PL 2003, c. 541, §15, is repealed.

Sec. 22. 9 MRSA §5012, as amended by PL 2003, c. 541, §16, is repealed and the following enacted in its place:

§5012. Charitable solicitation disclosure

It is a violation of this chapter for any person or entity to solicit contributions from a prospective donor without fully disclosing to the prospective donor, at the time of solicitation but prior to the request for contributions, the name and physical address of the charitable organization for which the solicitation is being conducted.

Sec. 23. 9 MRSA §5012-A, as amended by PL 2011, c. 286, Pt. A, §9, is repealed.

Sec. 24. 9 MRSA §5015-A, as enacted by PL 2001, c. 323, §8, is amended to read:

§5015-A. Fees

The director ~~of the office~~ may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 25. 9 MRSA §5017, as amended by PL 2011, c. 286, Pt. A, §11, is further amended to read:

§5017. Denial or refusal to renew license; disciplinary action

The ~~commissioner~~ director or the ~~commissioner's~~ director's designee may deny the license application, refuse to renew the license or suspend or revoke the license of a person or an entity that has been, or whose principals, officers, directors, employees or fundraisers have been, convicted of, found guilty of, pled guilty or nolo contendere to or have been incarcerated by any federal or state court for any felony or for any misdemeanor involving dishonesty, including, but not limited to, fraud, theft, larceny, embezzlement or any crime arising from the conduct of a solicitation for a charitable organization.

The ~~commissioner~~ director or the ~~commissioner's~~ director's designee may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized under Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

Sec. 26. 9 MRSA §5018, as enacted by PL 2003, c. 541, §18, is amended to read:

§5018. Rulemaking

The ~~commissioner~~ director shall propose, revise, adopt and enforce rules necessary to carry out this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 314

S.P. 454 - L.D. 1311

**An Act To Amend the Laws
Governing Unemployment
Compensation To Ensure
Conformity with the Federal
Trade Adjustment Assistance
Extension Act of 2011**

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

Sec. 1. 26 MRSA §1192, sub-§2, as amended by PL 2011, c. 645, §2, is further amended to read:

2. Has registered for work. The individual has registered for work at, and continued to report at, an employment office in accordance with rules the commission adopts, except that the commission may, by rule, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commission finds that compliance with the requirements would be oppressive, or would be inconsistent with the purposes of this chapter. A rule under this subsection may not conflict with section 1191, subsection 1.

The individual must actively seek work each week in which a claim for benefits is filed unless the individual is participating in approved training under subsection 6 or work search has been waived in accordance with rules adopted by the commission and provide evidence of work search efforts in a manner and form as prescribed by the ~~commission~~ Department of Labor. Failure to provide required work search documentation results in a denial of benefits in accordance with section 1194, subsection 2 for the week or weeks for which no documentation was provided unless the ~~commission~~ department determines there is good cause for the individual's failure to comply with this requirement;

Sec. 2. 26 MRSA §1193, sub-§6, as amended by PL 2011, c. 645, §9, is further amended to read:

6. Has falsified. For any week for which the deputy finds that the claimant made a false statement or representation knowing it to be false or knowingly failed to disclose a material fact in the claimant's ap-

plication to obtain benefits from any state or federal unemployment compensation program administered by the bureau. In addition, for a first or 2nd occurrence, the claimant is ineligible to receive any benefits for a period of not less than 6 months nor more than one year from the mailing date of the determination, and the commissioner shall assess a penalty of 50% of the benefits falsely obtained for the first occurrence and 75% for the 2nd occurrence. If an individual is disqualified for a 3rd occurrence of statement falsification or misrepresentation in an effort to obtain benefits, the commissioner shall assess a penalty of 100% of the benefits falsely obtained and the claimant is disqualified from receiving benefits for a period of time to be determined by the commissioner. An amount equal to 15% of each overpayment on which these penalties were assessed must be transferred directly into the fund account upon recovery;

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

E. An employer's experience rating record may not be relieved of charges relating to an erroneous payment from the fund if the bureau determines that:

(1) The erroneous payment was made because the employer or agent of the employer was at fault for failing to respond timely or adequately to a written or electronic request from the bureau for information relating to the claim for unemployment compensation; and

(2) The employer or agent of the employer has established a pattern of failing to respond timely or adequately to written or electronic requests from the bureau for information relating to claims for unemployment compensation.

A determination of the bureau not to relieve charges pursuant to this paragraph is subject to appeal as other determinations of the bureau with respect to the charging of employers' experience rating records.

Sec. 4. 26 MRSA §1221, sub-§6, ¶Q is enacted to read:

Q. "Erroneous payment" means a payment that would not have been made but for the failure by the employer or agent of the employer to respond timely or adequately to a written or electronic request from the bureau for information relating to a claim for unemployment compensation.

Sec. 5. 26 MRSA §1221, sub-§6, ¶R is enacted to read:

R. "Pattern of failing" means repeated documented instances of failure on the part of the employer or agent of the employer to respond timely

or adequately to a written or electronic request from the bureau for information relating to a claim for unemployment compensation, taking into consideration the number of instances of failure in relation to the total number of requests. An employer or agent of the employer that fails to respond timely or adequately to a written or electronic request from the bureau for information relating to a claim for unemployment compensation may not be determined to have engaged in a pattern of failing if the number of instances of failure during the year prior to a request is fewer than 2 or less than 2% of requests, whichever is greater.

Sec. 6. Application. That section of this Act that enacts the Maine Revised Statutes, Title 26, section 1221, subsection 3, paragraph E applies to determinations of erroneous payments made after October 21, 2013.

See title page for effective date.

CHAPTER 315

H.P. 952 - L.D. 1335

An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine

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

Sec. 1. 38 MRSA §1665-B, sub-§6, as enacted by PL 2005, c. 558, §1, is amended to read:

6. Report. ~~By March 15, 2007 and annually thereafter, the department shall submit a report on the collection and recycling of mercury-added thermostats in the State to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report due in 2007 must include a description and discussion of the financial incentive plan established under this section and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. Subsequent reports must include~~ Annually, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report that includes an evaluation of the effectiveness of the thermostat collection and recycling programs established under this section, information on actual collection rates and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. The report may be included in the report required pursuant to section 1772, subsection 1.