

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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.**

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**Augusta, Maine**  
**2013**

as long as the proceeds from the sales are used to benefit the library.

See title page for effective date.

## CHAPTER 421 S.P. 107 - L.D. 274

### An Act To Preserve and Protect Ancient Burial Grounds and Burial Grounds in Which Veterans Are Buried

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 13 MRSA §1101**, as amended by PL 1999, c. 700, §1, is repealed and the following enacted in its place:

#### **§1101. Maintenance and repairs; municipality**

**1. Ancient burying grounds.** In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located shall keep in good condition all graves, headstones, monuments and markers and, to the best of its ability given the location and accessibility of the ancient burying ground, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

**2. Grave sites of veterans in public burying grounds.** In any public burying ground in which a veteran of the Armed Forces of the United States is buried, the municipality in which that burying ground is located shall keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in good condition and repair from May 1st to September 30th of each year, including:

A. Regrading the grave site to make it level when the grave site has sunk 3 or more inches compared to the surrounding ground;

B. Maintaining the proper height and orientation, both vertical and horizontal, of the headstone, monument or marker;

C. Ensuring that inscriptions on the headstone, monument or marker are visible and legible;

D. Ensuring that the average height of grass at the grave site is between 1.5 to 2.5 inches but no more than 3 inches;

E. Keeping a flat grave marker free of grass and debris; and

F. Keeping the burial place free of fallen trees, branches, vines and weeds.

**Sec. 2. 13 MRSA §1101-B**, as enacted by PL 1999, c. 700, §2, is amended to read:

#### **§1101-B. Ancient burying grounds**

**1. Access to ancient burying grounds on privately owned land.** The owner of an ancient burying ground shall provide ~~municipalities~~ a municipality or its caretaker designated pursuant to section 1101 access necessary to perform the duties pursuant to section 1101 and Title 30-A, section 2901. Any unreasonable denial to provide ~~municipalities~~ access may result in the owner being held responsible for any fines, court costs and attorney's fees incurred by municipalities in legally obtaining access or for failing to meet the requirements of section 1101.

**2. Maintenance by landowner.** A person who owns a parcel of land that contains an ancient burying ground and chooses to deny access to the municipality or its caretaker designated pursuant to section 1101 shall assume the duties as described in section 1101 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by the owner exempts the municipality from performing the duties as described in section 1101.

See title page for effective date.

## CHAPTER 422 H.P. 815 - L.D. 1150

### An Act To Continue Certain Position Distributions in the Department of Labor and To Amend the Competitive Skills Scholarship Program

**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 proposed position changes and funding represent continuity with the current fiscal year; and

**Whereas**, the continuity is essential for the proper provision of the services to be funded; 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. 26 MRSA §2033, sub-§2**, as enacted by PL 2007, c. 352, Pt. A, §3, is amended to read:

**2. Program established.** The department shall establish and administer an employment training program known as the Competitive Skills Scholarship Program. The purpose of the program is to provide individuals with access to education, training and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force in accordance with the provisions of this section.

The commissioner may expend funds through the department's career centers from the fund for the costs of education, training and support in accordance with subsection 6, for career counseling and for the administration of the program. Career counseling must include developing a plan and assisting a participant in accessing the support necessary for the participant to participate in the plan. The commissioner shall establish a limit on or a formula that limits the proportion of program funds that are expended on career counseling and for administration; except that, beginning with fiscal year 2014-2015, the commissioner may not expend, on an annualized basis, more than 10% of the annual revenue to the fund for administrative costs and for career counseling.

**Sec. 2. 26 MRSA §2033, sub-§11** is enacted to read:

**11. Enrollment of eligible supplemental nutrition assistance program participants.** The department shall enroll, to the maximum extent possible and when appropriate, participants in the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 who meet the eligibility criteria specified in subsection 5 and who are referred to the program pursuant to a memorandum of agreement entered into by the State with the Department of Health and Human Services as part of the individual's self-sufficiency plan under the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104. Federal funds may not be used to supplant state funds used to provide education, training and support under this section to program participants enrolled pursuant to this subsection.

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

#### **LABOR, DEPARTMENT OF**

##### **Employment Security Services 0245**

Initiative: For fiscal year 2013-14 only, reallocates the cost of one Accounting Associate I position from 100% Employment Security Services program, Federal Expenditures Fund to 75% Employment Security Services program, Federal Expenditures Fund and 25% Employment Services Activity program, Competitive Skills Scholarship Fund.

<b>FEDERAL</b>	<b>2013-14</b>	<b>2014-15</b>
<b>EXPENDITURES FUND</b>		
Personal Services	(\$11,814)	\$0
All Other	\$11,814	\$0
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FEDERAL EXPENDITURES	\$0	\$0
FUND TOTAL		

##### **Employment Services Activity 0852**

Initiative: For fiscal year 2013-14 only, transfers and reallocates the cost of various positions between the General Fund, Federal Expenditures Fund, Other Special Revenue Funds and Competitive Skills Scholarship Fund within the Employment Services Activity program to better align positions with work activity and adjusts All Other.

<b>GENERAL FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS -	2.000	0.000
LEGISLATIVE COUNT		
Personal Services	(\$164)	\$0
All Other	\$164	\$0
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GENERAL FUND TOTAL	\$0	\$0

<b>FEDERAL</b>	<b>2013-14</b>	<b>2014-15</b>
<b>EXPENDITURES FUND</b>		
POSITIONS -	(7.000)	0.000
LEGISLATIVE COUNT		
Personal Services	(\$418,501)	\$0
All Other	\$418,501	\$0
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FEDERAL EXPENDITURES	\$0	\$0
FUND TOTAL		

<b>OTHER SPECIAL</b>	<b>2013-14</b>	<b>2014-15</b>
<b>REVENUE FUNDS</b>		
POSITIONS -	4.000	0.000
LEGISLATIVE COUNT		

Personal Services	\$133,926	\$0
All Other	(\$133,926)	\$0
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OTHER SPECIAL	\$0	\$0
REVENUE FUNDS TOTAL		
 <b>COMPETITIVE SKILLS</b>	<b>2013-14</b>	<b>2014-15</b>
<b>SCHOLARSHIP FUND</b>		
POSITIONS -	1.000	0.000
LEGISLATIVE COUNT		
Personal Services	\$324,937	\$0
All Other	(\$324,937)	\$0
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COMPETITIVE SKILLS	\$0	\$0
SCHOLARSHIP FUND		
TOTAL		
 <b>LABOR, DEPARTMENT</b>		
<b>OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
 GENERAL FUND	\$0	\$0
FEDERAL	\$0	\$0
EXPENDITURES FUND		
OTHER SPECIAL	\$0	\$0
REVENUE FUNDS		
COMPETITIVE SKILLS	\$0	\$0
SCHOLARSHIP FUND		
	<hr/>	<hr/>
DEPARTMENT TOTAL -	\$0	\$0
ALL FUNDS		

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

Effective July 16, 2013.

## CHAPTER 423

### H.P. 972 - L.D. 1364

#### An Act To Amend the Laws Governing Hospital and Therapeutic Leave Days for MaineCare Recipients

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

**Whereas,** this legislation eliminates language requiring retroactive application of the adjustment in therapeutic leave days and hospital leave days that was enacted in Public Law 2013, chapter 368; 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.** PL 2013, c. 368, Pt. LLLLL, §1, under the caption "HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)," in the first occurrence of that part relating to "Nursing Facilities 0148," is amended by amending the initiative paragraph to read:

Initiative: Adjusts funding by limiting therapeutic leave days in the MaineCare Benefits Manual, Chapters II and III, Section 45 and Section 67, to 7 hospital leave days per hospital visit and 20 therapeutic leave days per year effective retroactively to ~~March 25~~ April 1, 2013.

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

Effective July 16, 2013.

## CHAPTER 424

### H.P. 1103 - L.D. 1536

#### An Act To Correct Errors and Inconsistencies in the Laws of Maine

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

**Whereas,** acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of