

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

sworn statement showing the name and address of the purchaser. The bureau is not required to refund any portion of the licensee fee if the license is surrendered before it expires. For the purposes of this section, a tenant brewer who is licensed in accordance with section 1355-A, subsection 6 is not considered to be subject to the control of the host brewer, as described in that subsection, or considered to have been transferred or assigned the license or interest in the license of the host brewer.

Sec. 2. 28-A MRSA §608 is enacted to read:

§608. Licensees with professional sporting events; revenues from the sale of liquor

A licensee authorized to sell liquor for on-premises consumption may enter into an agreement to share revenues from the sale of liquor with a professional sports team not licensed under this Title if:

1. Capacity. The licensee has a capacity to seat at least 3,000 people;

2. Licensee is designated host facility. The licensee is the designated host facility for the professional sports team. For the purposes of this subsection, "designated host facility" means a facility licensed to sell liquor for on-premises consumption, including, but not limited to, a civic auditorium or an outdoor stadium where a professional sports team conducts at least 75% of its sporting events as the home team in the competition;

3. Revenues from sales at sporting events only. Revenues to be shared as provided by this section between the licensee and the professional sports team are limited to revenues from the sale of liquor sold at the time of sporting events conducted by that professional sports team; and

4. Application. The licensee discloses any agreement, including any revenue-sharing provisions pursuant to subsection 3, with a professional sports team permitted under this section when submitting an application for a liquor license as required by section 651, subsection 2.

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

Effective February 18, 2014.

CHAPTER 447

H.P. 988 - L.D. 1385

**An Act To Amend the
Reporting Requirements of the
Workers' Compensation
Management Fund**

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

Sec. 1. 5 MRSA §1833, sub-§1, as enacted by PL 1989, c. 501, Pt. P, §16, is amended to read:

1. Capitalization; premiums. The fund ~~shall be~~ is capitalized by legislative appropriations, payment from state departments and agencies and by other appropriate means.

On or before July 1st of each year, the Department of Administrative and Financial Services, Division of Employee Health and Benefits shall inform the State Budget Officer of quarterly premium charges for the fiscal year. The State Budget Officer shall advise any affected department or agency of the premium charges so that they may be incorporated into the normal budgetary process. An agency that does not have sufficient funding to pay the required premium charges shall request funds from the Legislature.

All state departments and agencies shall make premium payments to the fund at the beginning of each quarter based on charges to user departments. Premiums charged to user departments ~~shall~~ **must** be based on an analysis of the loss experience of each department, the reserve requirements related to departmental loss experience and the recovery of expenses as authorized in this section as related to each user department. Each department shall allocate the premium charge based on an analysis of the loss experience of each account or subdivision of account within the department. Premiums charged ~~shall~~ **must** be sufficient to ensure the continuation of the fund and shall be set by the commissioner.

Funds received from the reserve fund for self-insured retention losses under section 1731 ~~shall~~ **must** be repaid to that reserve fund through premiums charged except that, on the request of the commissioner, the Governor may waive repayment to the reserve fund when warranted and necessary.

Sec. 2. 5 MRSA §1833, sub-§2, as amended by PL 1991, c. 780, Pt. Y, §73, is repealed.

See title page for effective date.

CHAPTER 448

S.P. 666 - L.D. 1701

**An Act To Amend the
Work-sharing Program To
Conform with Federal Law**

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 federal Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, 126 Stat. 156 contains revised provisions for state-run, short-time compensation programs, also known as "work-sharing programs"; and

Whereas, states that administer work-sharing programs must conform their statutes to the new federal provisions no later than August 22, 2014; and

Whereas, the State administers a work-sharing program; and

Whereas, lack of compliance would cause significant costs to the State and to employers; and

Whereas, this legislation continues the laws governing the work-sharing program, which otherwise will be repealed February 28, 2014; 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 §1198, sub-§1, ¶I, as enacted by PL 2011, c. 91, §1 and affected by §3, is repealed.

Sec. 2. 26 MRSA §1198, sub-§1, ¶M, as enacted by PL 2011, c. 91, §1 and affected by §3, is amended to read:

M. "Work-sharing plan" means a plan submitted to the commissioner by an eligible employer under which there is a reduction in the number of hours worked by the eligible employees in the affected unit in lieu of ~~temporary~~ layoffs of some of the employees.

Sec. 3. 26 MRSA §1198, sub-§2, as enacted by PL 2011, c. 91, §1 and affected by §3, is amended to read:

2. Criteria for approval of a work-sharing plan. An eligible employer wishing to participate in a work-sharing program under this section must submit a signed work-sharing plan to the commissioner for approval. The commissioner shall approve a work-sharing plan if the terms of the employer's written work-sharing plan and implementation plan described in paragraph I attest that they are consistent with employer obligations under applicable federal and state laws and if the following requirements are met:

A. The work-sharing plan identifies the affected unit or units and specifies the effective date of the plan;

B. The work-sharing plan identifies the eligible employees in the affected unit or units by name,

social security number, usual weekly hours of work, proposed wage and hour reduction and any other information that the commissioner requires;

C. The work-sharing plan certifies that the reduction in the usual weekly hours of work is in lieu of ~~temporary~~ layoffs that would have affected at least 10% of the eligible employees in the affected unit or units and that would have resulted in an equivalent reduction in work hours;

D. Under the work-sharing plan the usual weekly hours of work for eligible employees in the affected unit or units are reduced by not less than 10% and not more than 50% and the reduction in hours in each affected unit is spread equally among eligible employees in the affected unit;

E. The work-sharing plan specifies the manner in which the fringe benefits of the eligible employees will be affected. If the employer provides health benefits or retirement benefits under a defined benefit plan, the employer must continue to provide the benefits to employees participating in the work-sharing program as if the workweeks of these employees had not been reduced or to the same extent the benefits are provided to other employees not participating in the work-sharing program;

F. In the case of eligible employees represented by a collective bargaining agent, the work-sharing plan is approved in writing by the collective bargaining agent that covers the affected eligible employees. In the absence of a collective bargaining agent, the work-sharing plan must contain a certification by the eligible employer that the proposed plan, or a summary of the plan, has been made available to each eligible employee in the affected unit;

G. A statement that the work-sharing plan will not serve as a subsidy of seasonal employment during the off-season or of intermittent employment is included; ~~and~~

H. The eligible employer agrees to furnish reports relating to the proper conduct of the work-sharing plan and agrees to allow the commissioner or the commissioner's designee or authorized representatives access to all records necessary to verify the plan prior to approval and to monitor and evaluate application of the plan after approval;

I. The work-sharing plan specifies the manner in which the requirements of this subsection will be implemented including a plan for giving notice, when feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability of employees to participate in the work-sharing and such other information as the

United States Secretary of Labor determines is appropriate; and

J. The eligible employer allows eligible employees to participate, as appropriate, in training, including employer-sponsored training or worker training funded under the federal Workforce Investment Act of 1998, Public Law 105-220, 112 Stat. 936, to enhance job skills if such training has been approved by the commissioner.

Sec. 4. 26 MRSA §1198, sub-§12, as enacted by PL 2011, c. 91, §1 and affected by §3, is repealed.

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

Effective February 20, 2014.

CHAPTER 449

S.P. 217 - L.D. 627

An Act Relating to Orally Administered Cancer Therapy

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

Sec. 1. 24-A MRSA §4317-B is enacted to read:

§4317-B. Orally administered cancer therapy

1. Coverage. A carrier that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells that is equivalent to the coverage provided for intravenously administered or injected anticancer medications. An increase in patient cost sharing for anticancer medications may not be used to achieve compliance with this section.

2. Construction. This section may not be construed to prohibit or limit a carrier's ability to establish a prescription drug formulary or to require a carrier to cover an orally administered anticancer medication on the sole basis that it is an alternative to an intravenously administered or injected anticancer medication.

Sec. 2. Application. This Act applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 450

H.P. 1150 - L.D. 1579

An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities

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

Sec. 1. 20-A MRSA §4012 is enacted to read:

§4012. Uniforms worn by members of military and public safety personnel

A member of the United States Armed Forces, the Maine National Guard or a public safety agency, including but not limited to a firefighter, police officer, emergency medical technician, game warden, forest ranger and park ranger, when visiting a school in that person's official capacity may not be denied access to a publicly supported secondary school or secondary public charter school solely because that person is wearing a uniform.

See title page for effective date.

CHAPTER 451

H.P. 1264 - L.D. 1762

An Act Related to the Report of the Tax Expenditure Review Task Force

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

Sec. 1. PL 2013, c. 368, Pt. S, §8 is repealed.

Sec. 2. PL 2013, c. 368, Pt. S, §9 is amended to read:

Sec. S-9. Fiscal year 2013-14 year-end unappropriated surplus, 4th priority transfer. The State Controller shall at the close of the fiscal year ending June 30, 2014, as the next priority after the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511 and 1522 and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, transfer from the available balance of the unappropriated surplus of the General Fund up to ~~\$40,000,000~~ \$21,000,000 to the ~~Local Government Fund by offsetting the amount of the reduction in that fund on a monthly basis pursuant to the Maine Revised Statutes, Title 30-A, section 5681, subsection~~