

# 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.**

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**Augusta, Maine**  
**2014**

**Sec. 12. 9-A MRSA §13-109, sub-§6**, as enacted by PL 2009, c. 362, Pt. B, §1, is repealed.

**Sec. 13. 9-A MRSA §13-109, sub-§9**, as enacted by PL 2009, c. 362, Pt. B, §1, is repealed.

**Sec. 14. 9-A MRSA §13-110, sub-§2**, as amended by PL 2011, c. 427, Pt. B, §20, is further amended to read:

**2. Fees.** The payment of fees to apply for or renew licenses through the nationwide mortgage licensing system and registry, that fee being initially established in the amount of \$20 to the administrator at application and \$20 for renewal, subject to adjustment pursuant to rule or order as set forth under this section. Renewal applications received after the due date are subject to an additional fee of \$100;

See title page for effective date.

**CHAPTER 467**

**H.P. 1200 - L.D. 1677**

**An Act To Make Minor  
Technical Changes to the Laws  
Governing the Department of  
Labor**

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

**Sec. 1. 5 MRSA §943**, as amended by PL 2011, c. 655, Pt. D, §§5 and 6 and affected by §11 and amended by Pt. SS, §1, is further amended to read:

**§943. Department of Labor**

**1. Major policy-influencing positions.** The following positions are major policy-influencing positions within the Department of Labor. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

- B. Director, Bureau of Labor Standards;
- C. Executive Director, Maine Labor Relations Board;
- E. Director of Legislative Affairs;
- F-1. Deputy Commissioner;
- G-1. ~~Beginning April 15, 1996, Executive Director, Bureau of Employment Services;~~
- J. ~~Executive Director, Office of Operations;~~
- K. Director, Bureau of Rehabilitation Services;
- L. Director, Bureau of Unemployment Compensation; and
- M. Director, ~~Public Information~~ of Communications.

**Sec. 2. 26 MRSA §61, sub-§2**, as amended by PL 1999, c. 57, Pt. B, §5, is further amended to read:

**2. Source of funds.** The commissioner or the commissioner's designee shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the most recent calendar year for which data is available by employers under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992. As soon as practicable after July 1st of each year, the commissioner or the commissioner's designee shall assess upon and collect from each insurance carrier licensed to do workers' compensation business in the State, and each group and individual self-insured employer authorized to make workers' compensation payments directly to their employees, a sum equal to that proportion of the current fiscal year's appropriation, exclusive of any federal funds, for the safety education and training program that the total workers' compensation benefits, exclusive of medical payments, paid by each licensed carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available. A licensed carrier or group or individual self-insured must be assessed based on all benefits paid, exclusive of medical payments, during any year for which the carrier was licensed or the group or individual self-insured employer was authorized to make workers' compensation payments directly to their ~~employers~~ employees for any portion of the year.

**Sec. 3. 26 MRSA §1083, sub-§2**, as amended by PL 1977, c. 675, §13, is further amended to read:

**2. Financing.** All ~~moneys~~ funds received by this State under the ~~said Act of Congress federal Wagner-Peyser Act~~, as amended, ~~shall must~~ be paid into ~~the Employment Security Administration Fund, and said moneys are an employment services fund and the funds made available to the commissioner to be expended as provided by this section and by said that Act of Congress.~~ For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law or employment security law, with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the commissioner may accept ~~moneys~~ funds, services or quarters as a contribution to ~~the Employment Security Administration Fund~~ an employment services fund.

**Sec. 4. 26 MRSA §1401-A, sub-§2**, as amended by PL 2007, c. 126, §1, is further amended to read:

**2. Commissioner; entities incorporated.** The department consists of a Commissioner of Labor, referred to in this chapter as the "commissioner," appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following entities as previously created or established are incorporated into the Department of Labor:

- A. The Bureau of Unemployment Compensation;
- B. ~~Beginning April 15, 1996, the~~ The Bureau of Employment Services;
- C. The Bureau of Labor Standards;
- D. The Bureau of Rehabilitation Services;
- ~~E. The Division of Administrative Hearings;~~
- F. The Center for Workforce Research and Information; and
- ~~G. The Human Resource Development Council; and~~
- ~~H. The Private Industry Council staff.~~
- I. The State Workforce Investment Board.

**Sec. 5. 26 MRSA §1401-B, sub-§1, ¶B**, as amended by PL 2011, c. 655, Pt. D, §10 and affected by §11 and amended by Pt. SS, §2, is repealed and the following enacted in its place:

B. The commissioner shall appoint to serve at the commissioner's pleasure:

- (1) Deputy Commissioner;
- (2) Director of Legislative Affairs;
- (3) Director of Operations;
- (4) Director of Communications;
- (5) Director, Bureau of Labor Standards;
- (6) Director, Bureau of Employment Services; and
- (7) Director, Bureau of Rehabilitation Services.

**Sec. 6. 26 MRSA §2006, sub-§5-B**, as amended by PL 2011, c. 627, §3, is further amended to read:

**5-B. Commission on Disability and Employment.** In addition to its other duties, the board, through its ~~Standing Committee on Employment of People with Disabilities~~ Commission on Disability and Employment, a standing committee created pursuant to subsection 7, paragraph A, subparagraph ~~(3)~~ (2) and

referred to in this subsection as "the standing committee," shall perform the duties of the former Governor's Committee on Employment of People with Disabilities.

A. The standing committee shall:

- (1) Advise, consult and assist the executive and legislative branches of State Government on activities of State Government that affect the employment of disabled individuals. The standing committee is solely advisory in nature. The standing committee may advise regarding state and federal plans and proposed budgetary, legislative or policy actions affecting disabled individuals;
- (2) Serve as an advocate on behalf of disabled citizens promoting and assisting activities designed to further equal opportunity for people with disabilities;
- (3) Conduct educational programs considered necessary to promote public understanding of the employment-related needs and abilities of disabled citizens of this State;
- (4) Provide information, training and technical assistance to promote greater employer acceptance of disabled workers;
- (5) Advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and
- (6) Work with state and local government officials, organizations representing persons with disabilities and the business community to inform the public of the benefits of making facilities and services accessible to and usable by individuals with disabilities.

B. The standing committee shall administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this subsection, any funds appropriated for expenditure by the standing committee or any grants or gifts that may become available and are accepted and received by the standing committee.

C. The standing committee shall submit an annual report directly to the Governor and the Legislature not later than September 1st of each year concerning its work, recommendations and interest of the previous fiscal year and future plans. The standing committee shall make any interim reports it considers advisable.

D. The standing committee shall keep minutes of all meetings, including a list of people in attendance.

E. The standing committee may employ, subject to the Civil Service Law, the staff necessary to carry out its objectives. The standing committee may employ consultants and contract for projects it determines necessary. To the extent feasible and reasonable, the standing committee must be given the staff, facilities, equipment, supplies, information and other assistance required to carry out its activities.

F. The standing committee may make necessary rules, consistent with this subsection, for promoting its purposes.

~~G. The standing committee may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this subsection, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies.~~

**Sec. 7. 26 MRSA §2006, sub-§7**, as amended by PL 2013, c. 424, Pt. A, §15, is repealed and the following enacted in its place:

**7. Committee structure.** The board has the following committee structure.

A. The board shall create 6 standing committees. The standing committees shall make recommendations to the full board. The 6 standing committees are as follows:

- (1) Younger workers;
- (2) Commission on Disability and Employment;
- (3) Women's employment issues;
- (4) Older workers;
- (5) Veterans employment; and
- (6) The Program Policy Committee. Organizations with representation on the Program Policy Committee may include, but are not limited to, organizations that conduct programs or activities as specified in Section 121(b) of the Workforce Investment Act.

B. The board may create committees in addition to those in paragraph A to address specific problems and issues. These committees shall make recommendations to the full board.

D. The standing committees under paragraph A may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this section, subject to the conditions upon which the loans, grants and

contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies.

See title page for effective date.

**CHAPTER 468**

**H.P. 1233 - L.D. 1723**

**An Act To Improve Enforcement of Marine Resources Laws**

**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 elver fishing season begins March 22, 2014 and changes made to elver fishing licensing laws by this legislation must be made prior to the beginning of this season; 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. 12 MRSA §6022, sub-§19** is enacted to read:

**19. Interstate wildlife violator compact.** The commissioner may enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of marine resources in the respective member states and may adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, necessary to implement certain provisions of the compact.

**Sec. 2. 12 MRSA §6207, sub-§2, ¶A**, as enacted by PL 1977, c. 661, §5, is amended to read:

A. If the aggregate value of all items seized is less than ~~\$75~~ \$200, unless there is reasonable doubt as to their ownership; and

**Sec. 3. 12 MRSA §6207, sub-§3, ¶C**, as amended by PL 1979, c. 541, Pt. B, §73, is further amended to read:

C. An order that a true copy of the libel and the order of the notice, attested by the marine patrol officer, be mailed to the person from whom the items were seized at that person's last known address and posted in 2 conspicuous places in the