

# 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**

to quickly process training waiver cases can result in citizens' having inadequate funds for these critical items; and

**Whereas**, the backlog of training waiver cases has increased substantially since submission of this legislation; and

**Whereas**, if this legislation is not enacted as an emergency, the backlog of training waiver cases will increase and adversely affect even more unemployment claimants; 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 §1192, sub-§6**, as amended by PL 1991, c. 870, §3, is further amended to read:

**6. Approved training.** Notwithstanding any other provisions of this chapter, any otherwise eligible claimant in training, as approved for the claimant by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, may not be denied benefits for any week with respect to subsection 3, relating to availability and the work search requirement or the provisions of section 1193, subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible claimant. Benefits paid to any eligible claimant while in approved training, for which, except for this subsection, the claimant could be disqualified under section 1193, subsection 3, may not be charged against the experience rating record of any employer but must be charged to the General Fund. For purposes of this subsection, "the deputy" means a representative from the bureau designated by the commissioner.

**Sec. 2. 26 MRSA §1192, sub-§6-C**, as repealed and replaced by PL 1989, c. 502, Pt. A, §109, is amended to read:

**6-C. Prohibition against disqualification of individuals in approved training under section 1196.** Notwithstanding any other provision of this chapter, no otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, nor may that individual be denied benefits by reason of leaving work to enter that training, ~~provided that~~ as long as the work left is not suitable employment.

For purposes of this subsection, ~~the term~~ "suitable employment" means, with respect to an individual, work

of a substantially equal or higher skill level than the individual's past adversely affected employment, and "the deputy" means a representative from the bureau designated by the commissioner.

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

Effective March 10, 2014.

**CHAPTER 475**

**H.P. 1157 - L.D. 1586**

**An Act To Strengthen Enforcement Standards for Potatoes**

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

**Sec. 1. 7 MRSA §951-A, first ¶**, as amended by PL 1985, c. 184, is further amended to read:

~~No~~ A person may not plant seed potato potatoes in the State, the product of which is intended for sale, ~~may be planted in the State~~ in lots of one or more acres unless that seed is certified in accordance with rules adopted by the commissioner. These rules may include without limitation requirements for filing reports with the commissioner and requirements for filing records to the commissioner or ~~his~~ the commissioner's designee, upon request, ~~which that~~ which demonstrate that the potatoes ~~so~~ planted have been properly certified. A person, firm or corporation that plants potatoes in violation of this section ~~shall be~~ is subject to a ~~civil penalty fine of not less than \$20 and \$1,000 plus not more than \$100 \$400~~ civil penalty fine of not less than \$200 and \$1,000 plus not more than \$400 per acre for each acre or part of an acre planted ~~in violation of this section; provided that failure.~~ Failure to file complete and accurate reports or failure to provide complete and accurate records in accordance with the rules adopted by the commissioner shall be is an additional violation resulting in a separate ~~civil penalty fine~~ civil penalty fine of not less than \$200 nor more than \$1,000 for each such failure. Any ~~civil penalty fine~~ civil penalty fine collected under this section ~~shall be~~ is payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt and may amend rules consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, to implement this section. In addition to the enforcement powers and penalties established in this section, the commissioner may issue subpoenas to any individual in order to compel delivery of any reports or records ~~which are~~ which are required under this section. These subpoenas ~~shall be~~ are enforceable by any court of competent jurisdiction.

**Sec. 2. 7 MRSA §956, first ¶**, as amended by PL 1979, c. 731, §§10 and 11, is further amended to read:

The commissioner shall diligently enforce all of the provisions of sections 951 to 957. ~~He~~ The commissioner, either in person or by a duly authorized representative, ~~shall have~~ has free access, ingress and egress to any place or field or any building, boat, truck, trailer, ~~or~~ railroad car, warehouse, depot, station, packing house, boat dock, or any building wherein potatoes are packed, stored, transported, sold, offered or exposed for sale or for transportation or for planting. ~~He~~ The commissioner may also, in person, or by duly authorized representative, open any container and may take samples therefrom. ~~He~~ The commissioner shall, upon written request, ~~therefor~~, pay the packer the fair market value of any sample retained or destroyed by ~~him~~ the commissioner. ~~He~~ The commissioner may recover ~~forfeitures~~ fines imposed for violation of those sections in a civil action brought in ~~his~~ the commissioner's own name and, if ~~he~~ the commissioner prevails in that action, ~~shall~~ recover full costs.

See title page for effective date.

**CHAPTER 476**

**H.P. 1186 - L.D. 1614**

**An Act Regarding the Laws Governing Liquor Licensing and Enforcement**

**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 passage of Public Law 2013, chapter 368, Part V has resulted in certain technical errors and inconsistencies in the laws governing the enforcement of the laws governing alcoholic beverages and the administration of the spirits business in the State; and

**Whereas**, these errors and inconsistencies create uncertainties and confusion in implementing laws governing alcoholic beverages and the administration of the spirits business in the State; and

**Whereas**, it is necessary that these uncertainties and this confusion be resolved immediately in order to ensure proper administration of the spirits business in the State and to protect the public safety; 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:**

**PART A**

**Sec. A-1. 28-A MRSA §1-A** is enacted to read:

**§1-A. License required**

Unless specifically provided under this Title, a person may not engage in wholesale or retail sales of liquor without a license issued in accordance with this Title.

**Sec. A-2. 28-A MRSA §2, sub-§11-C**, as enacted by PL 2013, c. 368, Pt. V, §8, is amended to read:

**11-C. Electronic funds transfer.** "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.

**Sec. A-3. 28-A MRSA §3-A**, as enacted by PL 2013, c. 368, Pt. V, §14, is repealed.

**Sec. A-4. 28-A MRSA §3-B** is enacted to read:

**§3-B. Payments submitted to the bureau**

**1. Form of payment.** The bureau may accept payment by check, credit card, debit card or electronic funds transfer from a licensee for:

A. Purchase of spirits and, until June 30, 2014, fortified wine;

B. Payment of license fees, application fees, permit fees, excise taxes and premiums; and

C. Payment of any other fees or taxes authorized by this Title.

**2. Timing of payment from agency liquor store.** An agency liquor store, when approved by the bureau, may pay for spirits purchased from the bureau by mailing a check for payment to the bureau or an entity awarded a contract under section 90 when notified of the amount due or upon receiving a delivery of spirits. Payments remitted by check must be received or postmarked within 3 days of receipt of a delivery of spirits or notification of the amount due. Payments remitted using electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits or notification of the amount due.

**3. Payments returned for insufficient funds or not honored; suspension.** If a payment made to the bureau is returned for insufficient funds or is not honored, the bureau shall immediately notify the licensee. If the bureau does not receive payment in full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter