

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

G. Terms other than those specified in paragraphs A to F as may be required by law or by rule of the authority.

The authority may provide insurance for related entities of up to ~~\$7,000,000~~ \$10,000,000.

Notwithstanding any provision to the contrary in this chapter, the authority may provide special loan insurance benefits to veterans and wartime veterans determined by rule of the authority developed in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services.

For all loan insurance liability in excess of \$1,000,000 and in other instances when the authority determines it is appropriate, the authority shall obtain a written assessment from the Department of Environmental Protection of the environmental conditions known by the department to exist at a project location so that the authority fully considers environmental risks when making its decisions. Environmental conditions posing risks that must be considered include, but are not limited to, licensing obligations, existing or historic regulatory noncompliance and site clean-up responsibilities.

Sec. 2. Funds deposited. Funds appropriated or allocated pursuant to this Act must be deposited in the Finance Authority of Maine Loan Insurance Reserve Fund set forth pursuant to the Maine Revised Statutes, Title 10, section 1023-C.

Sec. 3. Contingent effective date. This Act takes effect only upon the receipt by the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation, allocation or other funding source in the amount of at least \$37,000,000.

See title page for effective date, unless otherwise indicated.

CHAPTER 39

H.P. 478 - L.D. 702

An Act To Clarify Filing Methods for Quarterly Payroll Reports

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

Sec. 1. 26 MRSA §1082, sub-§13, as amended by PL 1995, c. 657, §1 and affected by §10, is further amended to read:

13. Filing payroll reports; penalty. The commission may prescribe rules for the filing of payroll reports for the employing units in the State. Each employing unit shall submit a quarterly payroll report by electronic submission or on those forms prescribed by

the bureau ~~prescribes and these~~. These quarterly reports are due in the office of the bureau, or of any duly constituted agent of the bureau, on or before the last day of the month following the close of the calendar quarter for which the reports relate. The failure on the part of any employing unit to file the payroll reports within this time frame renders the employing unit liable for a penalty of \$25 or 10% of the tax due, whichever is greater.

~~Provided that in~~ In the case of executive, administrative and professional employees, and outside sales representatives, as defined in Part 541 of the Rules and Regulations promulgated under the Fair Labor Standards Act of 1938, as amended as of June 30, 1971, the commissioner, upon the request of an employer of those individuals, may approve an alternative method for obtaining from that employer necessary wage information relative to those employees.

Sec. 2. 26 MRSA §1161, as amended by PL 2003, c. 164, §1, is further amended to read:

§1161. Accounts and deposit

The Treasurer of State is the ex officio treasurer and custodian of the Unemployment Compensation Fund and shall administer the fund in accordance with the directions of the commissioner. The Treasurer of State shall maintain within the fund 4 separate accounts:

1. Clearing account. A clearing account for all money payable to the trust fund account that is not deposited into the ~~combined unemployment insurance contributions and income tax withholding deposit~~ account;

2. Trust fund account. An unemployment trust fund account;

3. Benefit account. A benefit account; and

4. Tax deposit account. A clearing account for that portion of unemployment insurance contributions payable to the trust fund account from the ~~combined money of unemployment insurance contributions and state income tax withholding payments deposit~~ account.

All money payable to the fund, upon receipt by the commissioner, must be forwarded to the Treasurer of State, who shall immediately deposit it in the clearing account or the ~~combined unemployment insurance contributions and income tax withholding deposit~~ account. Refunds payable pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) or section 1225 may be paid from the clearing account, the ~~combined unemployment insurance contributions and income tax withholding deposit~~ account or the benefit account upon warrants prepared by the commissioner and signed by the State Controller. After clearance, all other money in the clearing account and all of the unemployment compensation money in the ~~combined~~

~~unemployment insurance contributions and income tax withholding deposit~~ account must be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the Unemployment Trust Fund, established and maintained pursuant to Section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of money in the possession or custody of this State to the contrary notwithstanding. The benefit account must consist of all money requisitioned from this State's account in the Unemployment Trust Fund.

Except as otherwise provided, money in the clearing, ~~combined unemployment insurance contributions and income tax withholding deposit~~ and benefit accounts may be deposited by the Treasurer of State, under the direction of the commissioner, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium may be paid out of the fund.

The Governor is authorized to apply for advances to the account of this State in the Unemployment Trust Fund in accordance with the provisions of Title XII of the Social Security Act, 42 United States Code, Section 1321, as amended, or under any other Act of Congress extending such authority, in order to secure to this State and its citizens the advantages available under the provisions of Title XII of the Social Security Act.

See title page for effective date.

CHAPTER 40 H.P. 6 - L.D. 3

An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools

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

Whereas, beginning January 1, 2017, public schools and private schools that enroll at least 60% publicly funded students must implement curricula designed to enable students to demonstrate proficiency in certain areas to award diplomas indicating graduation; and

Whereas, public charter schools are not currently required to implement curricula designed to enable students to demonstrate proficiency in certain areas to award diplomas indicating graduation; and

Whereas, public charter schools are publicly funded alternatives to public schools and private schools that enroll at least 60% publicly funded students; and

Whereas, all publicly funded schools should implement curricula designed to enable students to demonstrate the proficiencies necessary to receive a diploma indicating graduation from a secondary school; and

Whereas, secondary schools require the greatest amount of advance notice of applicable requirements to develop curricula to enable students to demonstrate the proficiencies necessary to receive a diploma indicating graduation from a secondary school; 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. 20-A MRSA §2412, sub-§5, ¶¶J and K are enacted to read:

J. Public charter schools are subject to the same proficiency-based diploma standards set forth in section 4722-A and are eligible for the same transition grants as applicable to noncharter public schools in the State pursuant to section 4722-A, subsection 4.

K. A public charter school that operates a public preschool program must comply with department rules for basic school approval standards for public preschool programs in accordance with section 4271, subsection 4 and section 4502, subsection 9.

Sec. 2. 20-A MRSA §2901, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. ~~Currently~~ A private school approved for tuition purposes that enrolls at least 60% publicly funded students that is currently accredited by the a commission on independent schools of a New England Association association of Colleges and Secondary Schools schools and colleges in fulfillment of its standards of accreditation and indicators and that also meets the applicable requirements of the system of learning results established in section 6209; or

Sec. 3. 20-A MRSA §2902, sub-§3, as amended by PL 2011, c. 669, §2, is further amended to read:

3. Courses required by law. Provide instruction in elementary schools as specified in sections 4701, 4704, 4706 and 4711 and in secondary schools as