

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

nonlapsing fund in the department administered according to rules adopted by the Adjutant General. The funds deposited in the fund include, but are not limited to, fines imposed by the court on any person convicted under Title 17-A, section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 438

H.P. 1128 - L.D. 1658

**An Act To Reform the
Veteran Preference in State
Hiring and Retention**

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

Sec. 1. 5 MRSA §7054, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

Sec. 2. 5 MRSA §7054-B is enacted to read:
§7054-B. Veteran preference

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Gold star spouse" means a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

B. "Veteran" means a person who has served on active duty in the United States Armed Forces including the Reserves of the United States Armed Forces and the National Guard and received a discharge other than dishonorable.

2. Interview. In filling any position in the classified service, the employing agency shall offer an in-

terview to any veteran or gold star spouse who meets the minimum qualifications established for the position.

3. Retention preference. In any reduction in personnel in the state service, employees who are veterans or gold star spouses must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews.

Sec. 3. 5 MRSA §7055, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed.

See title page for effective date.

CHAPTER 439

H.P. 1087 - L.D. 1597

**An Act To Provide
Supplemental Appropriations
and Deappropriations for the
Judicial Department for the
Fiscal Years Ending June 30,
2016 and June 30, 2017**

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, this legislation provides adjustments to appropriations from the General Fund for certain expenditures of the judicial branch for the fiscal years ending June 30, 2016 and June 30, 2017; 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. 4 MRSA §1556, sub-§2, ¶I is enacted to read:

I. The hourly rate of compensation for the guardian ad litem may not be less than the rate of compensation established by the Maine Commission on Indigent Legal Services pursuant to section 1804, subsection 3, paragraph F. Nothing in this paragraph prohibits the court from establishing maximum fees and other reasonable requirements relating to guardian ad litem billing and compensation.

Sec. 2. Appropriations and allocations.
The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the child protective guardian ad litem hourly rate increase from \$50 per hour to \$60 per hour effective July 1, 2016 to be consistent with the rate paid to attorneys appointed to represent parents.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$443,000
GENERAL FUND TOTAL	\$0	\$443,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the increase in hours from a 37.5-hour workweek to a 40-hour workweek for the administrative bargaining unit, remaining employees in the professional and supervisory bargaining units and confidential nonmanagement employees effective the first pay period following July 1, 2016.

GENERAL FUND	2015-16	2016-17
Personal Services	\$0	\$770,000
GENERAL FUND TOTAL	\$0	\$770,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the increase in the executive branch network charges based on current users.

GENERAL FUND	2015-16	2016-17
All Other	\$93,776	\$93,776
GENERAL FUND TOTAL	\$93,776	\$93,776

Courts - Supreme, Superior and District 0063

Initiative: Deappropriates one-time funds no longer needed for courthouse feasibility studies.

GENERAL FUND	2015-16	2016-17
All Other	(\$215,000)	\$0
GENERAL FUND TOTAL	(\$215,000)	\$0

Judicial - Debt Service Z097

Initiative: Reduces funding by recognizing one-time savings in debt service costs in fiscal year 2015-16 and fiscal year 2016-17.

GENERAL FUND	2015-16	2016-17
All Other	(\$400,000)	(\$1,300,000)
GENERAL FUND TOTAL	(\$400,000)	(\$1,300,000)
JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$521,224)	\$6,776
DEPARTMENT TOTAL - ALL FUNDS	(\$521,224)	\$6,776

Sec. 3. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 4, section 1556, subsection 2, paragraph I takes effect July 1, 2016.

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

Effective April 7, 2016, unless otherwise indicated.

CHAPTER 440
H.P. 1152 - L.D. 1687

An Act To Assist Small Distilleries

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

Sec. 1. 28-A MRSA §1355-A, sub-§5, ¶G, as enacted by PL 2013, c. 359, §1, is amended to read:

G. Notwithstanding paragraph D, a holder of a small distillery license ~~that produces less than 25,000 gallons of spirits annually and is licensed under paragraph B, subparagraph (3) to operate a retail location for off-premises consumption may pay the alcohol bureau the difference between the distillery's price charged to the alcohol bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at retail from its off-premises location. The alcohol bureau shall establish a procedure to allow a distillery to purchase spirits produced by the distillery for sale at a retail location as described in this paragraph. A small distillery is not required to transport spirits that will be sold for off-premises consumption under paragraph B, subparagraph (3) to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by~~