

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

Sec. 7. 7 MRSA §974-A, sub-§1, ¶D, as amended by PL 2013, c. 403, §6, is further amended to read:

D. Other terms and conditions prescribed by rule by the board ~~upon consultation with the committee.~~

Sec. 8. 10 MRSA §1023-N, first ¶, as amended by PL 2021, c. 31, §4, is further amended to read:

There is created a fund known as the Potato Marketing Improvement Fund, referred to in this section as "the fund." The fund must be deposited with and maintained by the authority to be used solely for investment in the Maine potato industry. The fund must be administered by the Maine Potato Board, established in Title 36, section 4603 and referred to in this section as "the board," ~~and the Potato Marketing Improvement Fund Committee, established in Title 5, section 12004-H, subsection 10-A.~~ All money received by the authority from any source for the development and implementation of improved storage, packing and marketing and programs and activities that improve the economic viability of the potato industry must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for agricultural development may be used only for the purposes of state loans as prescribed by Title 7, section 974-A to provide assistance to potato farmers for the design, construction, improvement, support and operation of storage, packing and marketing facilities; for programs and activities that improve the economic viability of the potato industry; and to pay the administrative costs of processing loan applications and servicing and administering the fund and loans and grants made therein, to the extent that the costs exceed the fee for administrative costs established by Title 7, section 974-A, subsection 2-A. At the discretion of the Commissioner of Agriculture, Conservation and Forestry, the authority shall make payments directly to the board, which shall use those payments to implement the requirements of this section. During any period that the commissioner has authorized direct payments from the authority to the board, the authority shall make written annual reports to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the amounts of payments to the board and the dates payments were made and detailing the expenditure of those payments. Repayment of the loans and interest on the loans must be credited to the fund to be available for making additional state loans for the same purposes, except that any interest earned on the cash balance of the fund may be used for the grants authorized by Title 7, section 975-A. In order to provide additional amounts for loans, the commissioner, upon consultation with the board, may take such actions and enter into such agreements as may be necessary to sell or assign up to \$2,000,000 in the aggregate principal amount of loans and undivided interests in a pool of loans and assign or pledge any mortgage or

other security to the authority, under the terms and conditions the commissioner considers advisable upon consultation with the board. The assignment and related transactions may not result in indebtedness of the State. The proceeds of the sale or assignment must be credited to the fund and used for the purposes authorized in this section.

Sec. 9. 20-A MRSA §6663, as enacted by PL 2015, c. 267, Pt. CCC, §2, is repealed.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Commission To End Student Hunger Z192

Initiative: Eliminates base allocation due to commission being eliminated.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	(\$500)
OTHER SPECIAL REVENUE	\$0	(\$500)
FUNDS TOTAL		

See title page for effective date.

CHAPTER 561

H.P. 160 - L.D. 225

An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment

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

Sec. 1. 26 MRSA §626, first ¶, as amended by PL 2017, c. 219, §11, is further amended to read:

An employee leaving employment must be paid in full no later than the employee's next established payday. Any overcompensation may be withheld if authorized under section 635 and any loan or advance against future earnings or wages may be deducted if evidenced by a statement in writing signed by the employee. Whenever the terms of employment or the employer's established practice includes provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned. All unused paid vacation accrued pursuant to the employer's vacation policy on and after January 1, 2023 must be paid to the employee on cessation of employment unless the employee is employed by an employer with 10 or fewer employees or by a public employer. If the employee's employment is governed by a collective bargaining agreement that includes provisions addressing payment of vacation pay

upon cessation of employment, the collective bargaining agreement supersedes this paragraph.

Sec. 2. 26 MRSA §626, 5th ¶, as amended by PL 1991, c. 162, is further amended to read:

An action for unpaid wages under this section may be brought by the affected employee or employees or by the Department of Labor on behalf of the employee or employees. An employer found in violation of this section is liable for the amount of unpaid wages and, ~~in~~ all accrued vacation pay that must be paid to the employee or employees on cessation of employment pursuant to this section. In addition, the judgment rendered in favor of the employee or employees must include a reasonable rate of interest, an additional amount equal to twice the amount of those unpaid wages and that accrued vacation pay as liquidated damages and costs of suit, including a reasonable attorney's fee.

Sec. 3. 26 MRSA §626, 6th ¶, as amended by PL 2017, c. 219, §12, is further amended to read:

Within 2 weeks after the sale of a business, the seller of the business shall pay employees of that business any wages earned while employed by the seller. If the terms of employment or the employer's established practice includes provisions for paid vacations, vacation pay on cessation of employment has the same status as wages earned. All unused paid vacation accrued pursuant to the employer's vacation policy on and after January 1, 2023 must be paid to the employees on cessation of employment unless the employer has 10 or fewer employees or is a public employer. If the employees' employment is governed by a collective bargaining agreement that includes provisions addressing payment of vacation pay upon cessation of employment, the collective bargaining agreement supersedes this paragraph. The seller of a business may comply with the provisions of this paragraph through a specific agreement with the buyer in which the buyer agrees to pay any wages earned by employees through employment with the seller and to honor any paid vacation earned under the seller's vacation policy.

Sec. 4. 26 MRSA §626, as amended by PL 2017, c. 219, §§11 and 12, is further amended by enacting at the end a new paragraph to read:

For the purposes of this section, "public employer" means the State, a county, a municipality, the University of Maine System, the Maine Community College System, a school administrative unit and any other political body or its political or administrative subdivision.

See title page for effective date.

CHAPTER 562

S.P. 186 - L.D. 482

An Act Regarding Pet Insurance

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

Sec. 1. 24-A MRSA c. 44 is enacted to read:

CHAPTER 44

PET INSURANCE

§3151. Short title

This chapter may be known and cited as "the Pet Insurance Act."

§3152. Scope and applicability

This chapter establishes requirements for the sale, solicitation, negotiation or offer of pet insurance in this State.

1. Applicability. The requirements of this chapter apply to pet insurance policies that are sold, solicited, negotiated or offered in this State and that are issued to any resident of this State and to policies or certificates that are delivered or issued for delivery in this State.

2. General provisions of Title 24-A. All applicable provisions of this Title apply to pet insurance, except that the specific provisions of this chapter supersede any general provisions of this Title that would otherwise be applicable to pet insurance.

§3153. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Chronic condition. "Chronic condition" means a condition that can be treated or managed, but not cured.

2. Congenital anomaly or disorder. "Congenital anomaly or disorder" means a condition that is present from birth, whether inherited or caused by the environment, which may cause or contribute to illness or disease.

3. Hereditary disorder. "Hereditary disorder" means an abnormality that is genetically transmitted from parent to offspring and may cause illness or disease.

4. Orthopedic. "Orthopedic" refers to conditions affecting the bones, skeletal muscle, cartilage, tendons, ligaments and joints, including, but not limited to, elbow dysplasia, hip dysplasia, intervertebral disc degeneration, patellar luxation and cranial cruciate ligament ruptures but not including cancers or metabolic, hemopoietic or autoimmune diseases.