

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 161

H.P. 226 - L.D. 317

An Act Concerning the Role of Guardians Ad Litem and Other Children's Advocates**Be it enacted by the People of the State of Maine as follows:**

22 MRSA §4041, sub§-3 is enacted to read:

3. Notice to guardian ad litem. The department shall notify the guardian ad litem, as described in section 4005, of any substantial change in circumstances that may have an impact on the best interests of the child.

See title page for effective date.

CHAPTER 162

S.P. 220 - L.D. 547

An Act to Require Prompt Payment of Wages Due Upon Discharge for All Employees**Be it enacted by the People of the State of Maine as follows:**

26 MRSA §626, as amended by PL 1983, c. 652, §1, is further amended to read:

§626. Cessation of employment

Any An employee leaving his or her employment shall must be paid in full within a reasonable time after demand at the office of the employer where payrolls are kept and wages are paid; provided that 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 said the employee. Whenever the terms of employment include provisions for paid vacations, vacation pay on cessation of employment shall have has the same status as wages earned.

For purposes of this section, the term "employee" means any person who performs services for another in return for compensation, but does not include an independent contractor.

For purposes of this subchapter, a reasonable time ~~shall mean~~ means the earlier of either the next day on which employees would regularly be paid or a day not more than 2 weeks after the day on which the demand is made.

In any action for unpaid wages brought under this subchapter, the employer ~~shall may~~ not deduct as a setoff or counterclaim any ~~moneys~~ money allegedly due the employer as compensation for damages caused to the

employer's property by the employee, or any ~~moneys~~ money allegedly owed to the employer by the employee, notwithstanding any procedural rules regarding counteractions; provided that 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 said the employee, and that nothing in this section shall may be construed to limit or restrict in any way any rights which that the employer now has to recover, by a separate legal action, any moneys money owed said the employer by said the employee.

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 ~~shall be~~ is liable for the amount of unpaid wages and, in addition, the judgment rendered in favor of the employee or employees ~~shall must~~ must include a reasonable rate of interest, an additional amount equal to twice the amount of those wages as liquidated damages and costs of suit, including a reasonable attorney's fee.

See title page for effective date.

CHAPTER 163

H.P. 595 - L.D. 846

An Act Concerning Training and Certification of Code Enforcement Officers**Be it enacted by the People of the State of Maine as follows:**

30-A MRSA §4451, as amended by PL 1989, c. 878, Pt. A, §87, is further amended to read:

§4451. Training and certification for code enforcement officers

1. Certification required; exceptions. Beginning January 1, 1993, a municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the office, except that:

A. An individual has 12 months after beginning employment to be trained and certified as provided in this section; and

B. Whether or not any extension is available under paragraph A, the office may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual.

A person employed by a municipality or municipalities as a code enforcement officer for at least 3 years prior to January 1, 1990 is deemed certified under this section and, 5 years after