

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

The board shall require a licensee to notify all patients of the licensee of a probation or stipulation under which the licensee is practicing as a result of board disciplinary action. This requirement does not apply to a physician participating in an alcohol or drug treatment program pursuant to Title 24, section 2505, a physician who retires following charges made or complaints investigated by the board or a physician under the care of a professional and whose medical practices and services are not reduced, restricted or prohibited by the disciplinary action.

See title page for effective date.

**CHAPTER 29
S.P. 33 - L.D. 84**

An Act To Ensure Fair Pay

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

Sec. 1. 26 MRSA §628, first ¶, as amended by PL 2001, c. 304, §2, is further amended to read:

An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex are not within this prohibition. An employer may not discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section. An employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about another employee's wages if the purpose of the disclosure or inquiry is to enforce the rights granted by this section. Nothing in this section creates an obligation to disclose wages.

See title page for effective date.

**CHAPTER 30
H.P. 174 - L.D. 209**

**An Act To Abolish the
Intergovernmental Advisory
Commission**

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

Sec. 1. 5 MRSA §12004-I, sub-§75-C, as amended by PL 2005, c. 222, §1, is repealed.

Sec. 2. 30-A MRSA §2181, as amended by PL 2005, c. 222, §2, is repealed.

Sec. 3. 30-A MRSA §6210, as amended by PL 2005, c. 222, §4 and enacted by c. 266, §2, is repealed.

See title page for effective date.

**CHAPTER 31
H.P. 258 - L.D. 322**

**An Act To Clarify the
Prohibition on Payment for
Health Care Facility Mistakes
or Preventable Adverse Events**

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

Sec. 1. 22 MRSA §1721, sub-§2, as enacted by PL 2007, c. 605, §1, is amended to read:

2. Prohibition. A health care facility is prohibited from knowingly charging a patient or the patient's insurer or the patient's employer as defined in Title 39-A, section 102, subsection 12 for health care services it provided as a result of or to correct a mistake or preventable adverse event caused by that health care facility.

See title page for effective date.

**CHAPTER 32
S.P. 221 - L.D. 606**

**An Act To Enable the Maine
Employers' Mutual Insurance
Company To Better Serve the
Needs of All Employers**

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

Sec. 1. 24-A MRSA §3703, sub-§1, as amended by PL 2007, c. 125, §1, is further amended to read:

1. Workers' compensation. The company shall provide workers' compensation insurance and employers' liability insurance incidental to and written in connection with workers' compensation coverage to employers in this State. The company may provide employment practices liability insurance incidental to and written in connection with workers' compensation coverage for employers ~~with an average of 100 or fewer employees~~ if the employment practices liability insurance is provided as an endorsement to workers'