

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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2. Sale under another name. If it is offered for sale under the name of another food or under a name not permitted by Title 12, section 6112, for products containing or consisting of surimi;

Effective July 16, 1986.

## CHAPTER 623

H.P. 1557 - L.D. 2195

### AN ACT to Clarify the Regulation of Employment Agencies.

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

Sec. 1. 26 MRSA c. 7, sub-c. I-B is enacted to read:

#### SUBCHAPTER I-B

#### EMPLOYMENT AGENCIES

#### §611. Definitions

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

1. Employment agency. "Employment agency" means any person who conducts a full-time or part-time service for the purpose of procuring or attempting to procure permanent or temporary employment or engagement for persons seeking employment or engagement, or for giving information about where employment or engagement may be procured when a fee paid by the employee is charged for that service. Employment agencies do not include teachers' agencies, nurses' associations, charitable institutions, arrangers of employment for seamen and professional or occupational associations which serve only their own membership and which charge only a nominal fee, and persons employed by a public or private nonprofit agency.

#### §612. Fees charged to applicants for employment; receipt

1. Placement fee. The placement fee charged to an applicant for employment by an employment agency

shall not exceed the equivalent of the first full week's gross wages. This fee shall be in full compensation for all services of the employment agency. If for any reason employment terminates in less than one month, the fee shall be adjusted so as not to exceed 10% of the wages earned.

2. Terms of payment of fee for placement. If the placement fee charged to an applicant for employment is paid weekly, 1/8 of the fee shall be paid each week for the first 8 weeks of employment; if paid semi-monthly, each payment shall be 1/4 of the total fee; and if paid monthly, each payment shall be 1/2 of the total fee.

3. Receipt given to an applicant for employment. Every employment agency shall give to each applicant for employment, from whom a fee or other consideration is received, a receipt which must show the name of the applicant for employment, the amount of the fee, any balance due, the date, name or nature of the employment or situation procured and the name and address of the employer.

#### §613. Enforcement penalty

1. Violation. Any employment agency which violates this subchapter commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 for each violation may be adjudged.

2. Civil action. An action may be brought by the injured party, the Attorney General, the Department of Labor or any municipality which has issued a license to the employment agency under Title 30, section 2601-A.

Sec. 2. 30 MRSA c. 215, sub-c. IV, as amended, is repealed and the following enacted in its place:

### SUBCHAPTER IV

#### EMPLOYMENT AGENCIES

##### §2601-A. Municipal authority

1. License; bond. A municipality may license or regulate the business of employment agencies, as defined by Title 26, section 611, or require a bond under the home-rule authority granted by section 1917 and by the Constitution of Maine, Article VIII, Section 1.

2. Enforcement. In addition to enforcing any ordinances enacted under this section, the municipal officers may enforce Title 26, section 612, as provided by Title 26, section 613.

Effective July 16, 1986.

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## CHAPTER 624

S.P. 868 - L.D. 2184

AN ACT to Provide for High School  
Graduation up to 5 Academic Days Prior to  
the Conclusion of the School Year.

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

Whereas, school administrative units will be establishing their calendars for the 1986-87 school year this spring and early summer; and

Whereas, the 90-day period for regular bills to take effect will not be over until July; 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:

20-A MRSA §4801, sub-§1, ¶C is enacted to read:

C. Notwithstanding this subsection, the commissioner shall promulgate a rule to provide that local school units may allow secondary school students to graduate up to 5 school days prior to the regular end of the school year.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 31, 1986.

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