

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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~~reactor, turbine, structure, structural member or structural component~~; the board shall consider the following:

- A. Proper work practices for the removal of asbestos-containing materials;
- B. Proper work practices for the encapsulation of asbestos-containing materials;
- C. Proper work practices for enclosure of asbestos-containing materials;
- D. Proper work practices for the demolition of a structure or position of a structure which contains structural members or components of or covered by asbestos-containing materials;
- E. Proper work practices for the storage, transport and disposal of asbestos-containing materials; ~~and~~
- F. Administrative penalties and cessation of operations to ensure compliance with this subsection;
- G. Air monitoring, bulk and air sample analysis and criteria governing public access to sites where asbestos abatement activity has occurred; and
- H. Asbestos abatement, monitoring, inspection, design and analysis activities.

In adopting these rules, the board shall consider cost-effective methods and alternatives that do not sacrifice public or worker health or safety.

See title page for effective date.

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## CHAPTER 474

### H.P. 279 - L.D. 399

#### **An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace**

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

**Sec. 1. 5 MRSA §4613, sub-§2, ¶B**, as amended by PL 1989, c. 99, is further amended to read:

B. If the court finds that unlawful discrimination occurred, its judgment ~~shall~~ must specify an appropriate remedy or remedies ~~therefor~~ for that discrimination. The remedies may include, but are not limited to:

- (1) An order to cease and desist from the unlawful practices specified in the order;

- (2) An order to employ or reinstate a victim of unlawful employment discrimination, with or without back pay;

- (3) An order to accept or reinstate such a person in a union;

- (4) An order to rent or sell a specified housing accommodation, or one substantially identical ~~thereto~~ to that accommodation if controlled by the respondent, to a victim of unlawful housing discrimination;

- (5) An order requiring the disclosure of the locations and descriptions of all housing accommodations ~~which~~ that the violator has the right to sell, rent, lease or manage; and ~~fur-~~ ~~ther~~, forbidding the sale, rental or lease of ~~any~~ ~~such~~ that housing accommodations until the violator has given security to assure compliance with any order entered against the violator and with all provisions of this Act. ~~Such an~~ An order may continue the court's jurisdiction until the violator has demonstrated compliance, and may defer decision on some or all relief until after a probationary period and a further hearing on the violator's conduct during that period;

- (6) An order to pay the victim, in cases of unlawful price discrimination ~~the victim thereof~~, 3 times the amount of any excessive price demanded and paid by reason of ~~such~~ that unlawful discrimination; and

- (7) An order to pay to the ~~complainant~~ victim of unlawful discrimination or, including if the commission when brings action on behalf of the victim, an order to pay to the victim, the commission is the complainant or both, civil penal damages not in excess of ~~\$5,000~~ \$10,000 in the case of the first order under this Act against the respondent, not in excess of ~~\$7,500~~ \$25,000 in the case of a 2nd ~~such~~ order against the respondent; arising under the same subchapter of this Act and not in excess of ~~\$10,000~~ \$50,000 in the case of a 3rd or subsequent ~~such~~ order against the respondent arising under the same subchapter of this Act, except that the total amount of civil penal damages awarded in any action filed under this Act may not exceed the limits contained in this subparagraph; and

**Sec. 2. 26 MRSA c. 7, sub-c. IV-B** is enacted to read:

#### SUBCHAPTER IV-B

#### SEXUAL HARASSMENT POLICIES

**§806. Definitions**

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

**1. Commission.** "Commission" means the Maine Human Rights Commission described in Title 5, chapter 337, subchapter II.

**2. Employee.** "Employee" means any person engaged to work on a steady or regular basis, whether full-time or part-time, by an employer located or doing business in the State.

**3. Employer.** "Employer" means any person, partnership, firm, association, corporation, employment agency, labor organization, joint apprenticeship committee or other legal entity, public or private, that is located or doing business in the State. The term "employer" includes, but is not limited to:

A. Any person, partnership, firm, association or corporation acting in the interest of any employer, directly or indirectly; and

B. The State in its capacity as an employer.

**4. Sexual harassment.** "Sexual harassment" has the same meaning as found in rules adopted by the Maine Human Rights Commission under the Maine Human Rights Act, Title 5, section 4572.

**§807. Requirements**

In addition to employer responsibilities set forth in rules adopted under Title 5, section 4572, all employers shall act to ensure a workplace free of sexual harassment by implementing the following minimum requirements.

**1. Workplace posting.** An employer shall post in a prominent and accessible location in the workplace a poster providing, at a minimum, the following information: the illegality of sexual harassment; a description of sexual harassment, utilizing examples; the complaint process available through the commission; and directions on how to contact the commission. The text of this poster may meet but may not exceed 6th-grade literacy standards. Upon request, the commission shall provide this poster to employers at a price that reflects the cost as determined by the commission. This poster may be reproduced.

**2. Employee notification.** Employers shall provide annually all employees with individual written notice that includes at a minimum the following information: the illegality of sexual harassment; the definition of sexual harassment under state law; a description of sexual harassment, utilizing examples; the internal complaint process available to the employee; the legal recourse and complaint process available through the commission; directions on how to contact the commission; and the protection against retaliation

as provided pursuant to Title 5, section 4553, subsection 10, paragraph D. This notice must be initially provided within 90 days after the effective date of this subchapter. The notice must be delivered in a manner to ensure notice to all employees without exception, such as including the notice with an employee's pay.

**3. Education and training.** In workplaces with 15 or more employees, employers shall conduct an education and training program for all new employees within one year of commencement of employment that includes, at a minimum, the following information: the illegality of sexual harassment; the definition of sexual harassment under state and federal laws and federal regulations, including the Maine Human Rights Act and the Civil Rights Act of 1964, 42 United States Code, Title VII, Sections 2000e to 2000e-17; a description of sexual harassment, utilizing examples; the internal complaint process available to the employee; the legal recourse and complaint process available through the commission; directions on how to contact the commission; and the protection against retaliation as provided under Title 5, section 4553, subsection 10, paragraph D. Employers shall conduct additional training for supervisory and managerial employees within one year of commencement of employment that includes, at a minimum, the specific responsibilities of supervisory and managerial employees and methods that these employees must take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

Education and training programs conducted under this subsection by the State, a county or a municipality for its public safety personnel, including, but not limited to, law enforcement personnel, corrections personnel and firefighters, may be used to meet training and education requirements mandated by any other law, rule or other official requirement.

**Sec. 3. Application.** Section 1 of this Act applies only to violations that occur on or after the effective date of this Act.

See title page for effective date.

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**CHAPTER 475**

**H.P. 812 - L.D. 1166**

**An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale**

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

**Sec. 1. 38 MRSA §1605**, as enacted by PL 1989, c. 585, Pt. E, §35, is repealed and the following enacted in its place: