

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
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1991

§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.

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:

§1605. Plastic bags; recycling

A retailer may use plastic bags to bag products at the point of retail sale only if the retailer:

1. Location. Locates inside the store or within 20 feet of the main entrance to the store a receptacle for collecting any used plastic bags; and

2. Recycles. Ensures that the plastic bags collected are recycled or delivered to a person engaged in recycling plastics.

Sec. 2. Report. The Maine Waste Management Agency, in cooperation with the Maine State Grocers Association, Inc., the Maine Merchants Association, Inc., and other appropriate organizations, shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters on the operation of Title 38, section 1605 by January 1, 1993. The report must quantify the use of plastic and paper bags in the State and must estimate the average plastic bag recycling rate.

See title page for effective date.

CHAPTER 476

H.P. 981 - L.D. 1426

An Act to Expand the Conflict of Interest Laws for Employees of the Maine State Housing Authority

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

30-A MRSA §4724, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Acquisition of interest in project; accepting employment. No employee or commissioner of any authority may, within 2 years of that service, or in the case of employees of the authority, during tenure or within 2 years of that service, voluntarily acquire any interest, direct or indirect, in any contract, project or property included or planned to be included in any project of that housing authority over which the employee or commissioner has exercised responsibility, control or decisions during tenure with the authority. ~~Not~~ ; nor may any employee or commissioner of any authority, if employment is accepted with any person who has an interest in any contract, property or project included or planned to be included in any project of that authority, work directly on that contract, project or property for that person if the employee or commissioner has exercised responsibility, control or decisions over that contract, project or property.

A. This subsection does not prohibit a manufactured housing inspector employed by the Maine State

Housing Authority from accepting employment by a person to work on manufactured housing which is manufactured after the date employment with the Maine State Housing Authority has terminated.

See title page for effective date.

CHAPTER 477

H.P. 996 - L.D. 1445

An Act Concerning Snowmobile Registration Fees

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

Whereas, it is essential to improve and maintain the 9,000 miles of snowmobile trails that exist in this State; and

Whereas, this legislation increases the registration fees payable by residents and nonresidents to supplement the funds already provided for in the State's Snowmobile Trail Fund; and

Whereas, it is essential to begin collecting these increased fees as soon as possible; 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:

Sec. 1. 12 MRSA §7824, sub-§2, as amended by PL 1987, c. 88, §1, is further amended to read:

2. Fee. The annual snowmobile registration fee is ~~\$16~~ **\$20**.

Sec. 2. 12 MRSA §7824, sub-§3, ¶A, as amended by PL 1989, c. 918, Pt. D, §9, is further amended to read:

A. The registration fee for residents is credited as follows:

(1) \$4.75 of each fee is credited to the General Fund as undedicated revenue;

(2) ~~\$5.25~~ **\$9.25** of each fee is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Recreation; and

(3) \$6 of each fee is annually distributed to the municipality of the owner's residence as