

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

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 2. 30-A MRSA §2, sub-§1-A is enacted to read:

1-A. Knox County commissioners. At the end of calendar year 1991 the salary of the District 2 county commissioner in Knox County reverts to the same salary paid to the other Knox County commissioners. The 1991 calendar year salary for the District 2 county commissioner in Knox County is not to be construed as a waiver of section 52, subsection 2.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved and applies retroactively to January 1, 1991.

Effective July 8, 1991.

CHAPTER 542

H.P. 1373 - L.D. 1958

An Act Regarding Simulcasting of Harness Racing

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

Whereas, statutory changes governing harness racing need to be enacted for this harness racing season, which will be underway before the expiration of the 90-day period; 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. 8 MRSA §268, as amended by PL 1989, c. 882, is further amended by adding after the 2nd paragraph the following:

During 1991, the commission may proceed under the emergency rule-making provisions of Title 5, section 8054, without making findings of emergency when the only changes to be made are regarding the number of simulcast horse races on the same day as any regular track meeting.

Sec. 2. 8 MRSA §268, as amended by PL 1989, c. 882, is further amended by adding at the end the following:

The commission may adopt rules allowing interstate simulcasting at a licensee's race track during any regular meeting.

Sec. 3. Retroactivity. Section 2 of this Act is retroactive to July 14, 1990.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved unless otherwise indicated.

Effective July 8, 1991.

CHAPTER 543

H.P. 1142 - L.D. 1667

An Act to Regulate Sales of Malt Liquor in Kegs

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

28-A MRSA §714, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

§714. Malt liquor sales in kegs

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Keg" means a container capable of holding at least 7.75 gallons of liquid.

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises.

2. Right of sale and purchase. The commission may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises licensee must be tagged in a manner and with a label of a type approved by the Director of the Bureau of Liquor Enforcement identifying the keg. The tag must be supplied and affixed to each keg, without fee, by the wholesaler of the keg.

B. The seller of the keg shall require the purchaser to complete a form designed and approved by the Director of the Bureau of Liquor Enforcement and supplied to the seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler of the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of

this section and the penalties for providing alcohol to a minor. The seller shall retain the form as a record subject to chapter 31.

C. The seller of the keg shall require positive identification of the purchaser.

D. The seller of the keg may require a deposit of up to \$50 from the purchaser of the keg, regardless of the size of the keg. The seller shall refund the deposit to a person who returns a properly tagged keg purchased from that seller.

E. The seller shall inform the purchaser that if the keg is returned without the original numbered band intact, the deposit is forfeited.

F. The seller may retain any deposit forfeited and use the funds forfeited for local school-based alcohol education programs or for any other purpose.

4. Civil violation; possession of unlabeled keg. In addition to any other penalties imposed by law, a person possessing an unlabeled keg purchased in this State after the effective date of this section commits a civil violation for which a forfeiture of \$500 must be adjudged.

5. Criminal penalty; removal or defacing of tag. A person commits defacing or removal of a malt liquor keg tag if that person defaces or removes from a keg a tag required by this section. Defacing or removal of a malt liquor keg tag is a Class E crime. If a person who purchased a properly tagged keg returns the keg without a tag or with a defaced tag, that person is presumed to have removed or defaced the tag.

See title page for effective date.

CHAPTER 544

H.P. 635 - L.D. 905

An Act to Amend the Child Labor Laws and to Allow Illegally Employed Minors to Bring Suit Against Their Employers for Work Related Injuries

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

Sec. 1. 26 MRSA §664, last ¶, as amended by PL 1969, c. 504, §43, is further amended to read:

Employees who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom may be paid a rate of not less than ~~75%~~ 85% of the applicable minimum wage rate required for other employees in the same occupation.

Sec. 2. 26 MRSA §702, as amended by PL 1979, c. 468, §1, is further amended to read:

§702. Record of work hours of minors under 16 years of age

Every employer shall keep a time book or record for every minor under ~~16~~ 18 years of age employed in any occupation, except the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, or household work, stating the number of hours worked by each minor under ~~16~~ 18 years of age on each day of the week. ~~Such~~ ~~The~~ time book or record ~~shall~~ ~~must~~ be open at all reasonable hours to the inspection of the director, a director's deputy or any authorized agent of the bureau. Any employer who fails to keep the record required by this section or makes any false entry ~~therein~~ to the record, or refuses to exhibit the time book or record or makes any false statement to the director, a director's deputy or any authorized agent of the bureau in reply to any question in carrying out section 701 and this section ~~shall be~~ is liable for a violation ~~thereof~~ of this section and section 701.

Sec. 3. 26 MRSA §704, as amended by PL 1981, c. 698, §115, is repealed and the following enacted in its place:

§704. Penalty for employers

1. Strict liability. An employer who violates either section 701 or 702 is subject to the following forfeiture or civil penalty, payable to the State and recoverable in a civil action:

A. For the first violation or a violation not subject to an enhanced sanction under paragraph B or C, a forfeiture of not less than \$50 nor more than \$250;

B. For a 2nd violation occurring within 3 years of a prior adjudication, a forfeiture of not less than \$100 nor more than \$1,000; or

C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a forfeiture or penalty of not less than \$250 nor more than \$2,500.

2. Adjudications. As used in this section, a prior adjudication includes a consent decree that contains an admission of a violation. The dates of prior adjudications for any violation of sections 701 and 702 or a combination must precede the commission of the violation being enhanced, although prior adjudications involving a combination may have occurred on the same day. The date of any adjudication is the date the forfeiture or penalty is adjudged or the consent decree allowed, even though an appeal was taken.