

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Positions - Other Count	(-2.0)	(-2.0)
Personal Services	(\$84,718)	(\$93,265)
All Other	(42,166)	(43,356)

Deallocates funds to reflect the transfer of the staffing responsibility for the Advisory Commission on Radioactive Waste from the Department of Environmental Protection to the Department of Human Services.

DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	(126,884)	(136,621)

HUMAN SERVICES, DEPARTMENT OF

Health - Bureau of

All Other	10,000	10,000
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Allocates funds to reflect the transfer of the staffing responsibility for the Advisory Commission on Radioactive Waste from the Department of Environmental Protection to the Department of Human Services.

DEPARTMENT OF HUMAN SERVICES		
TOTAL	10,000	10,000

TOTAL ALLOCATIONS	(\$116,884)	(\$126,621)
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 27, 1995.

CHAPTER 334

H.P. 100 - L.D. 135

An Act Relating to Telephone Solicitation

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

Sec. 1. 10 MRSA c. 225 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 225

TELEPHONE SOLICITATION

Sec. 2. 10 MRSA §1499, as amended by PL 1993, c. 589, §1, is repealed and the following enacted in its place:

§1499. Telephone solicitation

1. Prohibition. A person or entity may not initiate a solicitation call to a residential telephone subscriber in this State who has notified that person or entity, pursuant to Federal Communications Commission Regulations, 47 Code of Federal Regulations, Part 64, Section 64.1200, Paragraph e, as in effect on January 1, 1995, of the subscriber's wish not to receive solicitation calls made by or on behalf of that person or entity.

2. Civil action. A person within this State who has received within any 12-month period more than one telephone call in violation of subsection 1 by or on behalf of the same person or entity may bring an action in an appropriate state court for either or both of the following:

A. An injunction to stop future calls; or

B. Recovery of actual monetary losses from each violation or up to \$500 in damages for each violation, whichever is greater.

It is an affirmative defense in any action brought under this subsection that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of subsection 1.

If the court finds that the defendant willfully or knowingly violated subsection 1, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under paragraph B.

3. Attorney General action. Whenever the Attorney General has reason to believe that any person within this State has engaged or is engaging in a pattern or practice of telephone calls in violation of subsection 1, the Attorney General may bring a civil action on behalf of consumers for either or both of the following:

A. An injunction to stop future calls; or

B. Recovery of actual monetary losses from each violation or up to \$500 in damages for each violation.

If the court finds the defendant willfully or knowingly violated subsection 1, the court may, in its discretion, increase the amount of the award to an amount equal

to not more than 3 times the amount available under paragraph B.

Sec. 3. 35-A MRSA §7103, as amended by PL 1993, c. 589, §12, is repealed.

See title page for effective date.

CHAPTER 335

S.P. 264 - L.D. 704

An Act to Provide Limited Immunity to Former Employers Who Provide References

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

Sec. 1. 26 MRSA §598 is enacted to read:

§598. Employment reference immunity

An employer who discloses information about a former employee's job performance or work record to a prospective employer is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. Clear and convincing evidence of lack of good faith means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law.

See title page for effective date.

CHAPTER 336

H.P. 1044 - L.D. 1463

An Act to Prevent Master Electrician License Fee Payment Duplication

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

Sec. 1. 32 MRSA §1101, sub-§6, as amended by PL 1987, c. 735, §46, is further amended to read:

6. Master electrician. "Master electrician" ~~shall mean a person, firm or corporation,~~ means an individual qualified under this chapter, engaging in, or about to engage in, the business of installing electrical wires, conduits, apparatus, fixtures and other electrical

equipment. The certificate ~~shall~~ must specify the name of the ~~person, individual~~ who, ~~in case of a firm, shall be one of its members or employees and in case of a corporation, one of its officers or employees passing said examination, by which he or it shall be~~ is authorized to enter upon or engage in business as set forth in this chapter. ~~In the case of a firm or corporation, the license shall become void upon the death of, or the severance from the company of, said person.~~

See title page for effective date.

CHAPTER 337

H.P. 1063 - L.D. 1498

An Act to Increase Access to Primary Care Physician Services in Maine

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

Sec. 1. 32 MRSA §2577 is enacted to read:

§2577. Joint program interns

An applicant who is enrolled in a program of medical and graduate medical training conducted jointly by a college or university having the power to grant a D.O. degree and accredited by the American Osteopathic Association and a graduate medical education program approved by the American Osteopathic Association may receive a temporary educational certificate from the board to act as a hospital intern as part of that graduate medical education program as long as the applicant is concurrently enrolled in the final year of medical training and initial year of graduate medical education. The board may not issue a certificate pursuant to this section for a period longer than that required to obtain the D.O. degree. The period during which the certificate is in force may not be considered as satisfaction of the requirement for postgraduate medical education under section 2571.

Sec. 2. 32 MRSA §3279, sub-§2-A is enacted to read:

2-A. Joint-program resident. An applicant who is enrolled in a program of medical and graduate medical training conducted jointly by a medical school accredited by the Liaison Committee on Medical Education and a graduate medical education program approved by the Accreditation Council on Graduate Medical Education may receive a temporary educational certificate from the board to act as a hospital resident as part of that graduate medical education program if the applicant is concurrently enrolled in the final year of medical training and the initial year of graduate medical education. The board may not issue