

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

a certificate pursuant to this subsection for a period longer than that required to obtain the M.D. degree. The period during which the certificate is in force may not be considered in determining satisfaction of the requirement for postgraduate medical education under section 3271, subsection 2.

See title page for effective date.

CHAPTER 338

S.P. 433 - L.D. 1201

An Act to Provide for Public Health Standards in Public Schools Similar to Standards Required in Private Industry

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

Sec. 1. 20-A MRSA §258-B is enacted to read:

§258-B. Air quality testing

1. Petition percentage. A request for an inspection of schools to test air quality is subject to the criteria established in section 258-A, except that a petition by 50% of the parents of the children of one school is sufficient to initiate an inspection by the commissioner.

2. Notify citizens. The commissioner shall direct superintendents to notify any citizen who requests an inspection of school facilities of the petition process for requesting such an inspection under this section and section 258-A.

See title page for effective date.

CHAPTER 339

H.P. 637 - L.D. 860

An Act to Ensure the Integrity of the Maine Turnpike Electronic Toll System

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

Sec. 1. 23 MRSA §1964, sub-§5-B is enacted to read:

5-B. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether

that duty extends to all crimes or is limited to specific crimes.

Sec. 2. 23 MRSA §1980, sub-§2-B, ¶B, as enacted by PL 1993, c. 698, §2, is amended to read:

B. Notwithstanding any other provision of law, a photograph, micro-photograph, videotape or other recorded image prepared for enforcement of authority tolls is for the exclusive use of the authority in the discharge of its duties under this section. This material is confidential and is not available to the public. The authority shall make this information available to a law enforcement officer upon request. The material is not available to the public and, except ~~Except~~ as provided in this subsection or as may be necessary to prove a claim for indemnification under subsection 2-A, paragraph H, F or to prosecute a criminal offense, this material may not be used in a court in an action or proceeding.

Sec. 3. 23 MRSA §1982 is enacted to read:

§1982. Confidentiality of authority records

A log or record identifying the name, address or travel patterns of a patron of the turnpike, whether prepared for enforcement of authority tolls or other purposes of the authority, is for the exclusive use of the authority in the discharge of its duties under this chapter. This material is confidential and is not available to the public except that a law enforcement officer or a representative of an insurance company making a request for specific records in the course of conducting the officer's or representative's business may have access to this material to the extent and in the manner access to such material is afforded under Title 1, chapter 13, subchapter I. The authority may release accident and other incident reports to affected parties and may release information specific to a commuter pass account or commercial billing account to the holder of that account.

See title page for effective date.

CHAPTER 340

S.P. 259 - L.D. 695

An Act to Authorize Municipalities to Pay Employees Biweekly

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

Sec. 1. 26 MRSA §621, sub-§1, as enacted by PL 1983, c. 778, is amended to read:

1. Certain employers; payment schedule.

Every corporation, person or partnership engaged in a manufacturing, mechanical, mining, quarrying, mercantile, restaurant, hotel, summer camp, beauty parlor, amusement, telegraph or telephone business; in any of the building trades; in logging or lumbering operation; upon public works; or in the construction or repair of roads, bridges, sewers, gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in ~~his or~~ its business the wages earned by the employee to within 8 days of the date of that payment; every county ~~and city~~ shall so pay every employee who is engaged in its business the wages or salary earned by ~~him~~ that employee, unless the employee requests in writing to be paid in a different manner. ~~Every town shall so pay each employee in its business if so required by the employee.~~ Municipalities shall pay their employees at least once every 2 weeks unless the employee agrees to be paid under a less frequent pay schedule. An employee who is absent from ~~his~~ that employee's regular place of employment at a time fixed for payment ~~shall~~ must be paid ~~thereafter~~ on demand.

See title page for effective date.

CHAPTER 341
S.P. 489 - L.D. 1323**An Act to Widen the Maine Turnpike**

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

Sec. 1. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1993, c. 410, Pt. MM, §4, is further amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded beyond 3 lanes for each direction of travel from Exit 1 to, and including, Exit 6A and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature.

~~A~~ Except as provided in section 1965-A, a license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transporta-

tion policy as well as rules implementing that policy;

Sec. 2. 23 MRSA §1965-A is enacted to read:

§1965-A. Widening of the turnpike between Exit 1 and Exit 6-A

1. Evaluation of reasonable alternatives. No later than December 15, 1996, the authority shall complete an evaluation of the reasonable alternatives specified in this subsection to widening the turnpike to 3 lanes for each direction of travel from Exit 1 to, and including, Exit 6A. To evaluate reasonable alternatives, the authority shall:

A. Convert the turnpike toll collection system to an automated electronic system designed to move traffic more efficiently through toll plazas;

B. Complete an alternative mode feasibility study that examines regional travel patterns and demographics and provides an inventory of existing transportation infrastructure and employer-based commuter programs in the study area;

C. Develop and implement a rideshare program to promote vanpooling and carpooling, including funding and completion of a park and ride facility at Exit 2; and

D. Complete a 2-year study of the effects of congestion pricing on the turnpike and travel needs of the southern part of the State.

In conducting the evaluation required by this subsection, the authority shall provide for public participation consistent with the Sensible Transportation Policy Act and the rules adopted pursuant to that Act.

Completion of the evaluation components specified in paragraphs A to D satisfies the alternative evaluation requirements of the Sensible Transportation Policy Act and of the rules adopted pursuant to that Act.

2. Review of alternatives. Upon completing the evaluation required under subsection 1, the authority shall review the alternatives to determine if the alternatives can meet the identified transportation deficiency or need in a safe manner at a reasonable cost with available technology. If, based on the evaluation, the authority finds that the alternatives do not meet the identified deficiency or need:

A. A final license, permit, or approval necessary for the widening or expansion of the turnpike may be issued by the appropriate state agency; and