

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

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. 26 MRSA §773, first ¶**, as amended by PL 1993, c. 434, §2, is further amended to read:

A minor under 16 years of age may not be employed, permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, except those commonly known as automatic laundries, dry cleaning establishments, bakery, bowling alley, poolroom, commercial places of amusement, including traveling shows and circuses, or in any theater or moving picture house or in conjunction with an amusement, game or show that allows or conducts betting. The provisions of this section pertaining to theaters do not apply to minors under 16 years of age who are employed or in training as theatrical actors or film actors.

**Sec. 2. 26 MRSA §773**, as amended by PL 1993, c. 434, §2, is further amended by adding at the end a new paragraph to read:

Notwithstanding other provisions of this section, a minor under 16 years of age may be employed at a commercial place of amusement operating at a permanent location, except that minors under 16 years of age may not be employed at games of chance as defined in Title 17, chapter 14 or hazardous occupations as determined by the director.

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

Effective May 31, 1997.

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**CHAPTER 354**

**H.P. 710 - L.D. 974**

**An Act Concerning the Review of  
Certain Sentences Imposed on  
Defendants**

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

**Sec. 1. 15 MRSA §2151**, as enacted by PL 1989, c. 218, §5, is amended to read:

**§2151. Application to the Supreme Judicial Court by defendant for review of certain sentences**

In cases arising in the District Court or the Superior Court in which a defendant has been convicted of a criminal offense and sentenced to a term of imprisonment of one year or more, the defendant may, ~~except in any case in which a different term of imprisonment could not have been imposed,~~ apply to the Supreme Judicial Court, sitting as the Law Court, for review of the sentence, ~~except:~~

1. Different term could not be imposed. In any case in which a different term of imprisonment could not have been imposed; or

2. Plea agreements. In any case in which the particular disposition involving imprisonment was imposed as a result of a court accepting a recommendation of the type specified in the Maine Rules of Criminal Procedure, Rule 11A, subsection (a)(2) or (a)(4).

See title page for effective date.

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**CHAPTER 355**

**H.P. 724 - L.D. 988**

**An Act to Exclude Coaches from  
Participation in the Maine State  
Retirement System**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this bill recognizes the inequities under current law involved in requiring public school coaches who do not otherwise meet the definition of teacher to join the Maine State Retirement System like other teachers while employed as coaches; and

Whereas, the alternative treatment established in the bill for coaches who are not teachers as defined for retirement purposes must be available and known to coaches and school administrators before the start of the next school year to be effectively administered; 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. 5 MRSA §17001, sub-§42, ¶B**, as amended by PL 1995, c. 471, §1, is further amended to read:

B. Any employee of a public school who fills any position not included in paragraph A, the principal function of which is to introduce new learning to students, except that a coach who is employed by a public school and who is not otherwise covered by the definition of teacher as defined in this subsection or an employee who is employed in adult education as defined in Title 20-A, section 8601-A, subsection 1 and who is not otherwise covered by the definition of teacher defined in this subsection may not be considered a teacher for purposes of this Part;

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1997.

Effective July 1, 1997.

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## CHAPTER 356

### S.P. 309 - L.D. 1018

#### **An Act to Strengthen the Sanctions for Failure to Respond to an Employee's Request for Reason for Termination of Employment**

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

**Sec. 1. 26 MRSA §630**, as amended by PL 1979, c. 175, is further amended to read:

#### **§630. Written statement of reason for termination of employment**

An employer shall, upon written request of the affected employee, give that employee the written reasons for the termination of his that person's employment. An employer who fails to satisfy this request within 15 days of receiving it may be subject to a forfeiture of not less than \$50 nor more than \$500. An employee may bring an action in the District Court or the Superior Court for such equitable relief, including an injunction, as the court may

consider to be necessary and proper. The employer may also be required to reimburse the employee for the costs of suit, including a reasonable attorney's fee if the employee receives a judgment in the employee's favor. This section does not apply to public employees in proceedings governed by Title 1, section 405.

See title page for effective date.

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## CHAPTER 357

### H.P. 777 - L.D. 1065

#### **An Act to Require Law Enforcement Officers to Inform a Person Who Fails to Submit to a Test about the Informed Consent Law**

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

**Sec. 1. 29-A MRSA §2521, sub-§3**, as amended by PL 1995, c. 368, Pt. AAA, §§28 and 29, is further amended to read:

**3. Warnings.** ~~Before a test is given, the law enforcement officer shall inform the person that failure to submit to and complete a test will~~ Neither a refusal to submit to a test nor a failure to complete a test may be used for any of the purposes specified in paragraph A, B or C unless the person has first been told that the refusal or failure will:

- A. Result in suspension of that person's driver's license for a period up to 6 years;
- B. Be admissible in evidence at a trial for operating under the influence of intoxicants; and
- C. Be considered an aggravating factor at sentencing if the person is convicted of operating under the influence of intoxicants that, in addition to other penalties, will subject the person to a mandatory minimum period of incarceration.

See title page for effective date.

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## CHAPTER 358

### H.P. 781 - L.D. 1069

#### **An Act to Require Prisoners to Pay Court Fines and Family Support**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures.