

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.

J.S. McCarthy Company
Augusta, Maine
1997

Sec. 70. 31 MRSA §860, sub-§2, as enacted by PL 1995, c. 633, Pt. B, §1, is repealed and the following enacted in its place:

2. Unsworn falsification. Section 826, subsection 3, governing unsworn falsification, and section 829, on liability for materially inaccurate statements, apply to foreign limited liability partnerships as if the application for authority to do business were a certificate of limited liability partnership of a registered limited liability partnership.

Sec. 71. 31 MRSA §871, sub-§§1, 7, 10, 19 and 20, as enacted by PL 1995, c. 633, Pt. B, §1, are amended to read:

1. Reservation. For filing an application for reservation of name, ~~an application for renewal of reservation~~ or a notice of transfer or cancellation of reservation pursuant to section 804, a fee of \$20 for each limited liability partnership affected;

7. Penalty. Except as provided in section ~~875~~ 874, as a penalty prior to being reinstated as a registered limited liability partnership under section 808, a fee of \$100;

10. Foreign limited liability partnerships. For filing an application for authority to do business as a foreign limited liability partnership under section 852, a certificate of amendment under section 855, except as provided in subsection 12, or a certificate of cancellation under section 857, a fee of \$250. For filing a certificate of amendment under section 855 to change the address of the registered or principal office ~~in the jurisdiction of its organization~~ or to change the contact partner, the fee is \$30;

19. Information request. For written response to a request for information on file, a fee of \$5; ~~and~~

20. Service of process on Secretary of State as agent. For accepting service of process under section 809, 810, 861 or 862, a fee of \$20; ~~and~~

Sec. 72. 31 MRSA §871, sub-§21 is enacted to read:

21. Report of name search. For report of name search as provided by section 803, subsection 6, \$10.

Sec. 73. 31 MRSA §873, sub-§1, ¶B, as enacted by PL 1995, c. 633, Pt. B, §1, is amended to read:

B. The name of its registered agent and the address of its registered office in this State, including the street or rural route number, town or city and state, and, in the case of a foreign limited liability partnership, the address of its registered

or principal office ~~in its jurisdiction of organization~~;

See title page for effective date.

CHAPTER 377

H.P. 1167 - L.D. 1644

An Act to Give the Director of the Bureau of Labor Standards Rule-making Authority for All Wage and Hour and Other Related Laws That the Bureau of Labor Standards Is Charged with Enforcing

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

Sec. 1. 26 MRSA §42, first ¶, as repealed and replaced by PL 1989, c. 502, Pt. B, §24, is amended to read:

The bureau shall collect, assort and arrange statistical details relating to all departments of labor and industrial pursuits in the State; to trade unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State, including the names of firms, companies or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees classified according to age and sex and the daily and average wages paid each employee; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State. The director is authorized and empowered, subject to the approval of the Governor, to accept from any other agency of government, individual, group or corporation such funds as may be available in carrying out this section, and meet such requirements with respect to the administration of such funds, not inconsistent with this section, as are required as conditions precedent to receiving such funds. An accounting of such funds and a report of the use to which they were put ~~shall~~ must be included in the biennial report to the Governor. Each agency of government shall cooperate fully with the bureau's efforts to compile labor and industrial statistics. The director shall cause to be enforced all laws regulating the employment of minors ~~and women~~; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads and in other places; all laws regulating the payment of wages; and all laws enacted for the protection of the working classes. The director

may adopt, in accordance with the Maine Administrative Procedure Act, rules regarding all such laws, except where this authority is granted to a board or commission. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The director shall, on or before the first day of July, biennially, report to the Governor, and may make such suggestions and recommendations as the director may deem necessary for the information of the Legislature. The director may from time to time cause to be printed and distributed bulletins upon any subject that shall be of public interest and benefit to the State and may conduct a program of research, education and promotion to reduce industrial accidents. The director may review various data, such as workers' compensation records, as well as other information relating to any public or private employer's safety experience. When any individual public or private employer's safety experience causes the director to question seriously the safe working environment of that employer, the director may offer any safety education and consultation programs to that employer that may be beneficial in providing a safer work environment. If the employer refuses this assistance or is in serious noncompliance which may lead to injuries, or if serious threats to worker safety continue, then the director shall communicate concerns to appropriate agencies, such as the United States Occupational Safety and Health Administration. As used in this section, the term "noncompliance" means a lack of compliance with any applicable health and safety regulations of the United States Occupational Safety and Health Administration or other federal agencies. The bureau ~~shall be~~ is responsible for the enforcement of indoor air quality and ventilation standards with respect to state-owned buildings and buildings leased by the State. The bureau shall enforce air quality standards in a manner to ensure that corrections to problems found in buildings be made over a reasonable period of time, using consent agreements and other approaches as necessary and reasonable.

See title page for effective date.

CHAPTER 378

H.P. 1184 - L.D. 1675

An Act to Amend the Victims' Compensation Fund

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

Sec. 1. 5 MRSA §3360, sub-§3, ¶D, as enacted by PL 1991, c. 806, §3, is amended to read:

D. Robbery as described in Title 17-A, chapter 27; ~~or~~

Sec. 2. 5 MRSA §3360, sub-§3, ¶E, as amended by PL 1995, c. 65, Pt. A, §8 and affected by §153 and Pt. C, §15, is further amended to read:

E. Operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as described in Title 29-A, section 2411-; or

Sec. 3. 5 MRSA §3360, sub-§3, ¶F is enacted to read:

F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State.

Sec. 4. 5 MRSA §3360, sub-§5 is enacted to read:

5. Family or household member. "Family or household member" means: the parent, stepparent, sibling, grandparent, spouse, child or stepchild of a victim; or a person who at the time or discovery of the crime was living in the household of the victim or who previously had lived in the household of the victim for a period of not less than 2 years.

Sec. 5. 5 MRSA §3360-B, as enacted by PL 1991, c. 806, §3, is amended to read:

§3360-B. Award of compensation; eligibility

1. Eligibility of victims. The board may award compensation to any individual who:

A. Suffers bodily injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State;

B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 11 without regard to whether bodily injury occurred; ~~or~~

C. Would otherwise be eligible for compensation, even though:

(1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States;

(2) The bodily injury resulted from conduct that violates a criminal law of the United States; or

(3) The crime occurred in another state, but only if the person is a resident of this State and the other state does not have a victim compensation program for which residents