

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

Whereas, this legislation clarifies that these agreements are permissible under Maine law; 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. 9-B MRSA §243-A, sub-§3, as corrected by RR 1997, c. 2, §36, is amended to read:

3. Agreement to share electronic terminals. An agreement to share electronic terminals may not prohibit, limit or restrict the right of a financial institution authorized to do business in this State to charge a customer any fees allowed by state or federal law, or require a financial institution to limit or waive its rights or obligations under this section.—~~This subsection applies to all agreements to share use of electronic terminals in existence on or entered into after June 30, 1992, except that a financial institution or credit union authorized to do business in this State may mutually agree with one or more other financial institutions or credit unions not to charge foreign transaction fees, as that term is defined in subsection 1, to the customers or members of those financial institutions or credit unions that are parties to the agreement.~~

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

Effective March 22, 1999.

CHAPTER 26

S.P. 284 - L.D. 802

An Act to Make Technical Changes in the Marine Resources Laws

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

Sec. 1. 12 MRSA §6431-E, sub-§1, ¶A, as enacted by PL 1997, c. 693, §1 and affected by §3, is amended to read:

A. "Family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, step-child, stepparent, grandchild or grandparent.

Sec. 2. 12 MRSA §6749-W, sub-§§4 and 5, as enacted by PL 1997, c. 177, §6, are repealed.

Sec. 3. 12 MRSA §6749-Z, sub-§§4 and 5 are enacted to read:

4. Limitation on approving zone changes. The commissioner may not authorize a zone change between August 1st and December 31st.

5. Effective date of zone change. The effective date of a zone change authorized by the commissioner is August 1st.

Sec. 4. 12 MRSA §6858, sub-§5-C is enacted to read:

5-C. Exception for certain lobster meat. This section does not apply to lobster meat processed under a lobster tail permit issued under section 6862.

See title page for effective date.

CHAPTER 27

H.P. 12 - L.D. 22

An Act to Designate Wintergreen as the State Herb

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

Sec. 1. 1 MRSA §221 is enacted to read:

§221. State herb

The herb wintergreen (gaultheria procumbens) is the official state herb.

See title page for effective date.

CHAPTER 28

H.P. 128 - L.D. 159

An Act to Allow the Bureau of Labor Standards to Better Secure Payment of Unpaid Wages and Severance Pay for Workers

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

Sec. 1. 26 MRSA §52 is enacted to read:

§52. Liens

1. Form; effect. Upon the failure of an employer to pay the amount assessed for unpaid wages or

severance pay pursuant to chapters 7 and 15, the director may file in the registry of deeds of any county a certificate stating the name of the employer; the employer's address; the amount of unpaid wages or severance pay; and either that the time permitted for an appeal has expired without the appeal having been taken or that delay will jeopardize collection. When the certificate is duly filed and recorded, the amount of the assessment is a lien upon the entire interest of the employer, legal or equitable, in any real or tangible personal property situated within the jurisdiction of the office in which that certificate was filed. A lien obtained in this manner is a lien for unpaid wages or severance pay and the priority of the lien is governed by the laws of this State. The lien is subordinate to any real estate mortgage previously recorded as required by law. A lien for unpaid wages or severance pay is not valid against one who purchases personal property from the employer in the usual course of business, in good faith and without actual notice of the lien. The lien may be enforced against any real or personal property by a civil action in the name of the director. The director shall discharge any such lien upon receiving, from any employer against whose property a lien certificate has been filed, a good and sufficient bond with sureties conditioned upon the payment of the amount of unpaid wages or severance pay as finally determined together with any additional amount that may have become due or may have accrued under this chapter and costs of court, if any.

The remedies in this subsection are in addition to all other remedies.

2. Filing lien. Certificates of liens for unpaid wages or severance pay, or certificates discharging the liens prepared in accordance with this section, must be received, recorded and indexed by registrars of deeds in the same manner as similar instruments are recorded and indexed. The fee to be paid by the director for recording each certificate is the usual and customary fee, which need not be prepaid. This recording fee along with all other filing fees is the liability of the employer and must be assessed as part of the lien pursuant to subsection 1.

3. Enforcement of lien. After any assessment has become final and rights of appeal exhausted or lost by virtue of failure to exercise those rights, any property, real or personal, upon which a lien has been claimed under this chapter may be sold after due notice in conformity with the laws applicable to sales of real or personal property on executions issued in personal actions. In connection with such sales, the director has the same rights, privileges, duties and

responsibilities as one in whose favor an execution is issued.

See title page for effective date.

CHAPTER 29

H.P. 269 - L.D. 378

An Act to Expand the Use of Emergency Equipment on Vehicles Operated by Liquor Enforcement Officers

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

Sec. 1. 28-A MRSA §2212, as amended by PL 1995, c. 65, Pt. A, §82 and affected by §153 and Pt. C, §15, is repealed.

Sec. 2. 29-A MRSA §2054, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Conservation vehicle operated by a forest ranger;
- (5) A Department of Conservation vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a liquor enforcement officer ~~for the purpose of enforcing section 2411 of Title 28-A~~, a state fire inspector or a Maine Drug Enforcement Agency officer;
- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle;