

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

water pollution control facilities through the sale of bonds.

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

Effective June 1, 1999.

CHAPTER 376

S.P. 638 - L.D. 1805

An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers

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

Sec. 1. 26 MRSA §1194, sub-§1-A is enacted to read:

1-A. Partial unemployment claim forms. An employer shall issue a properly completed partial unemployment claim form to each of the employer's employees who is customarily employed full time and who is given less than full-time hours during a week due to a lack of work, or who is given no work for one week due to a lack of work and who is not separated from that employer.

A. Partial unemployment claim forms for a week must be provided to eligible employees no later than the day that the payroll for that week is available to employees.

B. An employer who fails to provide a partial unemployment claim form in accordance with this subsection is subject to a fine of \$25 per day per form for each day the form is late.

C. An employer is not required to issue a partial unemployment claim form to an employee:

(1) Whose earnings or earnings plus holiday pay for the week exceed the maximum weekly benefit amount plus \$5; or

(2) Whose vacation or holiday pay for the week exceeds the maximum weekly benefit amount.

D. The Director of Unemployment Compensation may authorize the use of partial unemployment claim forms for periods of 2 or more consecutive weeks in which the employee is given no work.

See title page for effective date.

CHAPTER 377

H.P. 1592 - L.D. 2240

An Act to Revise the Salaries of Certain Kennebec County Officers

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, it has become necessary to revise the salaries of certain county officers of Kennebec County; and

Whereas, it is desired to have these revisions retroactive to January 1, 1999; 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. 30-A MRSA §2, sub-§1-B, ¶B, as repealed and replaced by PL 1997, c. 721, §1 and affected by §2, is repealed and the following enacted in its place:

1999

B. Kennebec County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$8,042</u>
<u>(b) Members</u>	<u>7,510</u>
<u>(2) Treasurer</u>	<u>9,634</u>
<u>(3) Sheriff</u>	<u>42,172</u>
<u>(4) Judge of Probate</u>	<u>21,134</u>
<u>(5) Register of Probate</u>	<u>26,676</u>
<u>(6) Register of Deeds</u>	<u>28,487</u>

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 1999.

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

Effective June 1, 1999.

CHAPTER 378

H.P. 846 - L.D. 1180

An Act to Require Additional Vaccines for Employees of Health Care Facilities

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

Sec. 1. 22 MRSA §802, sub-§4, as enacted by PL 1989, c. 487, §11, is amended to read:

4. Immunization required. Except as otherwise provided under this subchapter, each hospital in the State and any other health facility in the State designated by the department, shall require for all employees born after 1956, either proof of immunization or serologic evidence of immunity against Rubeola measles and Rubella, or German measles. Employees currently working in the hospital or designated health facility ~~must~~ shall meet these standards within 180 days of the effective date of this subsection. The personnel records of each employee born after 1956 ~~shall~~ must include a copy of the documentation of the vaccine history, showing month, day and year or the serologic history of immunity. For purposes of this subsection, "employee" means a person who performs a service for wages or other remuneration for a hospital or designated health facility under a contract of hire, written or oral, expressed or implied. Immunization required by this subsection does not apply to any employee who:

A. Provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable; or

B. States in writing a sincere religious belief ~~which~~ that is contrary to the immunization requirement of this subsection.

In addition, all employees, regardless of their dates of birth, who have a risk of direct occupational exposure to blood or body fluids shall provide either proof of immunization or serologic evidence of immunity against hepatitis B. Employees employed in the hospital or designated health facility shall meet and maintain these standards by January 1, 2000.

Sec. 2. 22 MRSA §802, sub-§5 is enacted to read:

5. Immunization requirements for nursing facility staff. A nursing facility or licensed assisted living facility shall adopt a facility policy that recommends and offers annual immunizations against influenza to all personnel who provide direct care to residents of the facility.

See title page for effective date.

CHAPTER 379

H.P. 517 - L.D. 724

An Act to Define Paralegals and Legal Assistants

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

Sec. 1. 4 MRSA c. 18 is enacted to read:

CHAPTER 18

PARALEGALS AND LEGAL ASSISTANTS

§921. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Paralegal and legal assistant. "Paralegal" and "legal assistant" mean a person, qualified by education, training or work experience, who is employed or retained by an attorney, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which an attorney is responsible.

§922. Restriction on use of titles

1. Prohibition. A person may not use the title "paralegal" or "legal assistant" unless the person meets the definition in section 921, subsection 1.

2. Penalty. A person who violates subsection 1 commits a civil violation for which a forfeiture of not more than \$1000 may be adjudged.

See title page for effective date.