

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

without regard for the number of hours worked. Records required to be kept by this section must be accessible to any representative of the department at any reasonable hour. Sections 621-A to 623 do not excuse any employer subject to section 702 from keeping the records required by that section.

Sec. 4. 26 MRSA §623, as amended by PL 1975, c. 113, §2, is further amended to read:

§623. Exemptions

This section and sections ~~621~~ 621-A and 622 ~~shall do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not apply to an employee of a cooperative corporation or association if he the employee is a stockholder therein of the corporation or association, unless he the employee requests such the association or corporation to pay him weekly that employee in accordance with section 621-A. No A corporation, contractor, person or partnership shall may not by a special contract with an employee or by any other means exempt himself or itself from this section and sections 621 621-A and 622. Whenever the terms of employment include provisions for paid vacations, vacation pay on cessation of employment shall have the same status as wages earned.~~

Sec. 5. 26 MRSA §626-A, as amended by PL 1993, c. 648, §1, is further amended to read:

§626-A. Penalties

Whoever violates any of the provisions of sections ~~621~~ 621-A to 623 or section 626, 628, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

Any employer is liable to the employee or employees for the amount of unpaid wages and health benefits. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages or health benefits under this subchapter, such judgment includes, in addition to the unpaid wages or health benefits adjudged to be due, a reasonable rate of interest, costs of suit including a reasonable attorney's fee, and an additional amount equal to twice the amount of unpaid wages as liquidated damages.

Remedies for unpaid wages do not become available to the employee except as follows. If the wages are clearly due without a bona fide dispute, remedies are available to the employee 8 days after the due date for payment. If there is a bona fide dispute at the time payment is due, remedies become available to the employee 8 days after demand when the wages are, in fact, due and remain unpaid.

The action for unpaid wages or health benefits may be brought by either the affected employee or employees or by the Department of Labor. The Department of Labor is further authorized to supervise the payment of the judgment, collect the judgment on behalf of the employee or employees and collect fines incurred through violation of this subchapter. When the Department of Labor brings an action for unpaid wages or health benefits, this action and an action to collect a civil forfeiture may both be joined in the same proceeding.

Sec. 6. 26 MRSA §626-B, as enacted by PL 1975, c. 113, §5, is repealed.

Sec. 7. 26 MRSA §663, sub-§3, ¶K, as amended by PL 1981, c. 276, is repealed and the following enacted in its place:

K. A salaried employee who works in a bona fide executive, administrative or professional capacity and whose regular compensation, when converted to an annual rate, exceeds 3000 times the State's minimum hourly wage.

See title page for effective date.

CHAPTER 466

H.P. 410 - L.D. 552

An Act to Change the Minimum Time for Issuing a Temporary Registered Gross Weight Increase from 2 Months to One Month

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

Sec. 1. 29-A MRSA §507, 2nd and 3rd ¶¶, as affected by PL 1995, c. 65, Pt. A, §153, amended by Pt. B, §3 and affected by Pt. C, §15, are further amended to read:

Temporary registered gross weight increases must be issued for at least ~~2 months~~ one month and may not exceed 8 months, ~~except that temporary registered gross weight increases may be issued for one month for registered farm vehicles.~~ A temporary registered gross weight increase may not extend beyond the expiration of the regular registration.

The fee for a temporary registered gross weight increase is the difference between the annual fee for the original registration and the annual fee for the desired temporary registered gross weight multiplied by the percentage in the following table:

One month (registered farm vehicle)	20%
2 months	30%
3 months	40%
4 months	50%
5 months	60%
6 months	70%
7 months	75%
8 months	80%

See title page for effective date.

CHAPTER 467

H.P. 181 - L.D. 259

An Act to Secure Wounded Deer

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

Sec. 1. 12 MRSA §7101, sub-§5, ¶N is enacted to read:

N. License to use leashed dogs to track wounded deer (Permits a person to use one or more leashed dogs to track a lawfully wounded deer) **\$25**

Sec. 2. 12 MRSA §7406, sub-§17, ¶J, as enacted by PL 1979, c. 420, §1, is amended to read:

J. Uses a dog to hunt deer or moose, except as provided in section 7101, subsection 5, paragraph N;

Sec. 3. Rules. The Commissioner of Inland Fisheries and Wildlife shall adopt rules specifying when and how a person licensed under the Maine Revised Statutes, Title 12, section 7101, subsection 5, paragraph N may lawfully use leashed dogs to track wounded deer. Those rules are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A and must be provisionally adopted and submitted to the Legislature no later than January 15, 2000.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Savings Fund Program

All Other	\$2,500
Appropriates funds to be used only to avoid future fee increases.	

Sec. 5. Effective date. Sections 1 and 2 of this Act take effect January 1, 2000.

See title page for effective date, unless otherwise indicated.

CHAPTER 468

S.P. 756 - L.D. 2132

An Act to Consolidate Traffic Movement Permits within the Department of Transportation

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

Whereas, under current law, the Department of Environmental Protection issues traffic movement permits pursuant to the site location of development laws; and

Whereas, Public Law 1995, chapter 704 requires that this permit-granting authority be transferred to the Department of Transportation beginning June 30, 1999; and

Whereas, this Act contains the necessary implementing legislation to accomplish this transfer of permit-granting authority; 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. 23 MRSA §651, 6th ¶, as enacted by PL 1991, c. 409, §3, is amended to read:

The department, at its discretion, may authorize a person, corporation or entity who has had conditions imposed ~~by the Department of Environmental~~