

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

TOTAL \$15,000

Provides one-time funding for increased monitoring of archaeological sites. Five thousand dollars funds a part-time monitoring coordinator using existing part-time project personnel. The balance funds site monitors including professional archaeologists and volunteers who are reimbursed for expenses.

Historic Preservation Commission

All Other \$5,000

Provides one-time funding for law enforcement investigation costs relating to incidents involving archaeological sites and for the development and delivery of training materials for law enforcement officers.

MAINE HISTORIC PRESERVATION COMMISSION

TOTAL \$20,000

See title page for effective date.

CHAPTER 749

S.P. 62 - L.D. 132

An Act to Make Changes to the Maine Rainy Day Fund

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

Sec. 1. 5 MRSA §1513, sub-§1, as amended by PL 1999, c. 401, Pt. GGG, §1 and affected by §2, is further amended to read:

1. Maine Rainy Day Fund. ~~The~~ As the first priority before any other transfer, the State Controller shall at the close of each fiscal year ~~transfer~~ reserve from the unappropriated surplus of the General Fund ~~to the Maine Rainy Day Fund an equal amount to~~ 1/2 the excess of total General Fund revenues received over accepted estimates in that fiscal year ~~and transfer that amount to the Maine Rainy Day Fund at the beginning of the next fiscal year.~~ Accepted revenue

estimate may not be increased after adjournment of each First Regular Session of the Legislature except as provided. For the first year of the biennium, revenue estimates for the 2nd year of the biennium may be adjusted once during the Second Regular Session of the Legislature. Accepted revenue estimates may be increased for other fiscal periods only if an amount not to exceed 1/2 of the increase is transferred by the State Controller to the Rainy Day Fund at the same time from the unappropriated surplus of the General Fund. The fund may not exceed 6% of the total General Fund revenues received in the immediately preceding fiscal year and may not lapse, but remain in a continuing carrying account to carry out the purposes of this section. A reduction in the fund is not necessary in the event the total General Fund revenues received in the immediately preceding fiscal year are less than the total General Fund revenues received in the fiscal year 2 years previous and if the fund is at its 6% limit.

Sec. 2. 5 MRSA §1513, sub-§3-A is enacted to read:

3-A. Investment proceeds; exception. At the close of every month during which the Maine Rainy Day Fund is at the 6% limitation described in subsection 1, the State Controller shall transfer from the General Fund to the Retirement Allowance Fund established in section 17251 an amount equivalent to the investment earnings that otherwise would have been credited to the Maine Rainy Day Fund.

Sec. 3. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 5, section 1513, subsection 3-A takes effect July 1, 2003.

See title page for effective date, unless otherwise indicated.

CHAPTER 750

H.P. 729 - L.D. 1019

An Act to Limit Mandatory Overtime

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

Sec. 1. 26 MRSA §603 is enacted to read:

§603. Limits on mandatory overtime

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means all private and public employers, including the State and political subdivisions of the State.

B. "Overtime" means the hours worked in excess of 40 hours in a calendar week.

2. Limits on mandatory overtime. An employer may not require an employee to work more than 80 hours of overtime in any consecutive 2-week period.

3. Exceptions. This section does not apply to:

A. Work performed in response to an emergency declared by the Governor under the laws of the State;

B. An employee who performs essential services for the public. For purposes of this paragraph, "essential services" means those services that are basic or indispensable and are provided to the public as a whole, including, but not limited to, utility service, snowplowing, road maintenance and telecommunications service;

C. An employee whose work is necessary to protect the public health or safety, when the excess overtime is required outside the normal course of business;

D. An individual exempt from the definition of employee in section 663, subsection 3, paragraph A, B, C, F, G, I or J;

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

F. An employee of a seasonal employer. For purposes of this paragraph, "seasonal employer" means an employer in an industry that operates in a regularly recurring period or periods of less than 26 weeks in a calendar year;

G. A medical intern or resident engaged in a graduate educational program approved by the Accreditation Council on Graduate Medical Education, the American Board of Medical Specialties or the American Osteopathic Association at a health care facility. For purposes of this paragraph, "health care facility" has the same meaning as in Title 22, section 8702, subsection 4; or

H. An employee who works for an employer who shuts down an operation for annual maintenance or work performed in the construction, rebuilding, maintenance or repair of production machinery and equipment, including machine start-ups and shutdowns related to such activity. This exception applies to contractors of the employer that are providing services related to the activities in this paragraph. It does not

apply to other operations not involved in the work stated in this paragraph. Notwithstanding this paragraph, a worker may not be required to work beyond the limits prescribed in subsection 2 for more than 4 consecutive weeks.

4. Lower limit by agreement. Employers and employees may agree to limit mandatory overtime to fewer hours than provided for in this section.

Sec. 2. Printing and mailing costs. Notwithstanding the provisions of the Maine Revised Statutes, Title 26, section 1164, the Commissioner of Labor shall pay the expenses associated with printing and mailing the revised "regulation of employment" poster from the Special Administrative Expense Fund.

See title page for effective date.

CHAPTER 751

H.P. 1652 - L.D. 2321

An Act to Provide Recognition for Korean Conflict Veterans on Special Veterans Registration Plates

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

Whereas, this Act provides special commemorative decals for motor vehicle registration plates for veterans of the Korean Conflict; and

Whereas, this Act needs to take effect before the expiration of the 90-day period so that these commemorative decals may be issued for the 50th anniversary of the beginning of the Korean Conflict in June 2000; 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. 29-A MRSA §523, sub-§3, ¶A is enacted to read:

A. Between June 30, 2000 and June 29, 2001, the Secretary of State may issue special commemorative decals to any person who served in the United States Armed Forces during the Korean Conflict, June 27, 1950 to January 31, 1955, when that person's application is accompanied by