

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

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.

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## 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

a fee not to exceed \$10 and appropriate military certification verifying the applicant's service during the Korean Conflict. This decal is to be affixed to the special veterans registration plate and may be displayed until the plate is retired.

**Sec. 2. Veterans commemorative decals.**

By June 30, 2000, the Secretary of State shall develop and sell a commemorative decal for the Korean Conflict that is designed to overlay the red "V" on the current special veterans registration plate.

**Sec. 3. Task force.**

By June 30, 2000, the Secretary of State shall convene a task force that includes representatives from veterans organizations and law enforcement agencies to study the feasibility of developing commemorative decals for other wars, military campaigns or military awards. In making its findings, the task force must consider the ability of law enforcement personnel to distinguish and identify the veterans plates, the development of a workable number of decals and the cost for these decals.

The task force must report its findings to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 2, 2001. The joint standing committee may report out legislation to implement findings of the task force. In developing recommendations for the cost of these decals, the Secretary of State should recommend a cost that does not exceed the cost to produce and distribute them.

**Sec. 4. Allocation.**

The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

2000-01

**SECRETARY OF STATE,  
DEPARTMENT OF THE  
Bureau of Motor Vehicles**

All Other	\$2,495
Allocates funds to cover the costs of producing commemorative decals to be used by veterans of the Korean Conflict.	

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

Effective May 5, 2000.

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**CHAPTER 752**

**S.P. 905 - L.D. 2357**

**An Act to Amend the Maine Seed Capital Tax Credit Program**

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

**Sec. 1. 10 MRSA §1100-T, sub-§2, ¶A,** as enacted by PL 1987, c. 854, §§2 and 5, is amended to read:

A. A tax credit certificate may be issued in an amount not more than 30% of the amount of cash actually invested in a Maine business in any calendar year. For certificates issued prior to July 1, 2001 for investments made after July 1, 2000, the tax credit certificate may be issued in an amount not more than 40% of the amount of cash actually invested in a Maine business in any calendar year.

**Sec. 2. 10 MRSA §1100-T, sub-§2-B** is enacted to read:

**2-B. Eligibility of private venture capital funds for tax credit certificate until July 1, 2001.** Notwithstanding the provisions of subsection 2-A, the requirements for eligibility for a tax credit certificate issued before July 1, 2001 for investment in a private venture capital fund made after the effective date of this subsection include the following.

A. A tax credit certificate may be issued to an individual or entity that invests in a private venture capital fund in an amount that:

(1) Is not more than 40% of the amount of cash actually invested in or unconditionally committed to a private venture capital fund in any calendar year by the individual or entity; and

(2) Does not exceed 40% of the amount of cash invested by the fund in eligible businesses, except that the authority may issue tax credit certificates in an amount not to exceed 20% of the amount of cash actually invested in or unconditionally committed to a private venture capital fund in any calendar year if the authority determines that the private venture capital fund is located in this State, is owned and controlled primarily by Maine residents and has designated investing in eligible Maine businesses as a major investment objective. The credit may be revoked to the extent that the private venture capital fund does not make investments eligible for the tax credit in an