

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
2001

2 times a year. Subcommittees of the commission may meet as necessary. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this subsection.

4. Domestic Abuse Homicide Review Panel.

The commission shall establish the Domestic Abuse Homicide Review Panel, referred to in this subsection as the "panel," to review the deaths of persons who are killed by family or household members as defined by section 4002.

A. The chair of the commission shall appoint members of the panel who have experience in providing services to victims of domestic and sexual abuse and shall include at least the following: the Chief Medical Examiner, a physician, a nurse, a law enforcement officer, the Commissioner of Human Services, the Commissioner of Corrections, the Commissioner of Public Safety, a judge as assigned by the Chief Justice of the Supreme Judicial Court, a representative of the Maine Prosecutors Association, an assistant attorney general responsible for the prosecution of homicide cases designated by the Attorney General, an assistant attorney general handling child protection cases designated by the Attorney General, a victim-witness advocate, a mental health service provider, a facilitator of a certified batterers' intervention program under section 4014 and 3 persons designated by a statewide coalition for family crisis services. Members who are not state officials serve a 2-year term without compensation, except that of those initially appointed by the chair, 1/2 must be appointed for a one-year term.

B. The panel shall recommend to state and local agencies methods of improving the system for protecting persons from domestic and sexual abuse, including modifications of laws, rules, policies and procedures following completion of adjudication.

C. The panel shall collect and compile data related to domestic and sexual abuse.

D. In any case subject to review by the panel, upon oral or written request of the panel, any person that possesses information or records that are necessary and relevant to a homicide review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon the request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this paragraph.

E. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission shall disclose conclusions of the review panel upon request, but may not disclose information, records or data that are otherwise classified as confidential.

The commission shall submit a report on the panel's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters by ~~January 1, 1999~~ January 30, 2002 and ~~annually~~ biennially thereafter.

Sec. 3. 19-A MRSA §4014, sub-§1, as amended by PL 1997, c. 292, §2 and affected by §3, is further amended to read:

1. Rules establishing standards and procedures for certification. The Department of Corrections, referred to in this section as the "department," shall adopt rules pursuant to the Maine Administrative Procedure Act, in consultation with the Maine Commission on Domestic and Sexual Abuse, that establish standards and procedures for certification of batterers' intervention programs. The department, in consultation with the commission, shall review and certify programs that meet the standards. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 241

H.P. 1328 - L.D. 1787

An Act to Implement Municipal Recommendations Regarding Surface Water Use on Great Ponds

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

Sec. 1. 12 MRSA §7801, sub-§35, ¶¶W and X, as enacted by PL 1999, c. 697, §3, are amended to read:

W. Long Pond in the Town of Mount Desert and the Town of Southwest Harbor; ø

X. Little Long Pond in the Town of Mount Desert;

Sec. 2. 12 MRSA §7801, sub-§35, ¶¶Y to CC are enacted to read:

Y. Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond and Silver Lake, also known

as Silver Pond, in the Town of Phippsburg in Sagadahoc County;

Z. South Branch Lake in the Plantation of Seboeis and the Township of T2 R8 NWP in Penobscot County;

AA. Spring Lake in Spring Lake Township in Somerset County;

BB. Kennebago Lake and Kennebago River in Davis Township and Stetsontown Township in Franklin County; or

CC. Nicatous Lake in the Townships of T40 MD, T41 MD and T3 ND in Hancock County.

See title page for effective date.

CHAPTER 242

H.P. 187 - L.D. 198

An Act to Provide Notice of Termination Status

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

Sec. 1. 26 MRSA §42-B is enacted to read:

§42-B. Bureau to furnish poster or notice outlining state labor laws

1. Bureau to furnish poster or notice. The bureau shall produce and furnish to employers posters or notices in printed form outlining state labor laws applicable to those employers and regulating:

- A. Employment of minors;
- B. Time of payment of wages;
- C. Safety and health of employees; and
- D. Family medical leave.

The posters or notices may also include such other laws as may be required or useful.

2. Notice of cause for termination. The bureau shall include in one of the posters or notices under subsection 1 the following information regarding at-will employment:

Under Maine law, an at-will employee may be terminated for any reason not specifically prohibited by law. In most instances, you are an at-will employee unless you are covered by a collective bargaining agreement or other contract that limits termination. If you have questions about at-will employment, contact your human

resources department or the State Department of Labor, Bureau of Labor Standards.

3. Employer to post notice. An employer subject to the laws outlined in the printed poster or notice shall post and keep posted in a place accessible to the employer's employees a copy of the printed poster or notice furnished by the bureau. An employer who violates this section is subject to the penalties set forth in section 704.

Sec. 2. 26 MRSA §701, as amended by PL 1989, c. 738, §1, is repealed.

Sec. 3. 26 MRSA §702, as amended by PL 1991, c. 544, §2, is further amended to read:

§702. Record of work hours of minors under 16 years of age

Every employer shall keep a time book or record for every minor under 18 years of age employed in any occupation, except the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, or household work, stating the number of hours worked by each minor under 18 years of age on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a director's deputy or any authorized agent of the bureau. Any employer who fails to keep the record required by this section or makes any false entry to the record, or refuses to exhibit the time book or record or makes any false statement to the director, a director's deputy or any authorized agent of the bureau in reply to any question in carrying out section ~~704~~ 42-B and this section is liable for a violation of this section and section ~~704~~ 42-B.

Sec. 4. 26 MRSA §704, sub-§§1 and 2, as repealed and replaced by PL 1991, c. 544, §3, are amended to read:

1. Strict liability. An employer who violates either section ~~704~~ 42-B or 702 is subject to the following forfeiture or civil penalty, payable to the State and recoverable in a civil action:

- A. For the first violation or a violation not subject to an enhanced sanction under paragraph B or C, a forfeiture of not less than \$50 nor more than \$250;
- B. For a 2nd violation occurring within 3 years of a prior adjudication, a forfeiture of not less than \$100 nor more than \$1,000; or
- C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior adjudications, a