

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.

J.S. McCarthy Company
Augusta, Maine
2001

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

forfeiture or penalty of not less than \$250 nor more than \$2,500.

2. Adjudications. As used in this section, a prior adjudication includes a consent decree that contains an admission of a violation. The dates of prior adjudications for any violation of sections ~~704~~ ~~42-B~~ and 702 or a combination must precede the commission of the violation being enhanced, although prior adjudications involving a combination may have occurred on the same day. The date of any adjudication is the date the forfeiture or penalty is adjudged or the consent decree allowed, even though an appeal was taken.

Sec. 5. Change in printed posters or notices. The Department of Labor shall incorporate the information regarding at-will employment required under the Maine Revised Statutes, Title 1, section 42-B, subsection 2 in the next reprinting of the printed poster or notice in which the information is to be included.

See title page for effective date.

CHAPTER 243

H.P. 662 - L.D. 862

An Act to Prohibit Appointment of Referees in Protection from Abuse and Protection from Harassment Actions

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

Sec. 1. 5 MRSA §4658, sub-§5 is enacted to read:

5. Referee. The court may not mandate appointment of referees in actions brought under this chapter. If an action under this chapter is joined with another proceeding, this subsection does not prohibit the court from mandating appointment of a referee on any issue, other than harassment, that is part of the other proceeding.

Sec. 2. 19-A MRSA §4010, sub-§5, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

5. Mediation and referees. The court may not mandate mediation or appointment of referees in actions brought under this chapter. If an action under this chapter is joined with another proceeding pursuant to subsection 2, this subsection does not prohibit the court from mandating mediation or the appointment of

a referee on any issue, other than abuse, that is part of the other proceeding.

See title page for effective date.

CHAPTER 244

H.P. 478 - L.D. 618

An Act to Remove State Road Signs with Offensive Names from Interstate Route 95 and the Maine Turnpike

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

Whereas, a sign posted on the Maine Turnpike contains an offensive and incorrect name and must be removed immediately; 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. 1 MRSA §1102, as enacted by PL 1977, c. 259, §1, is repealed and the following is enacted in its place:

§1102. Offensive names prohibited

1. Place in State may not have offensive name. A place in this State may not have or be given an offensive name.

2. Sign on interstate highway or Maine Turnpike may not contain offensive name. A sign placed by the State on an interstate highway or the Maine Turnpike may not contain an offensive name.

Sec. 2. 23 MRSA §1201, sub-§13, as repealed and replaced by PL 1977, c. 154, is amended to read:

13. Moosehead Lake Region. Such sign ~~shall~~ must be constructed and maintained on the Maine Turnpike at the first reasonable opportunity northerly from the York exit and ~~shall~~ must be worded as follows:

Moosehead Lake Region -- ~~Squaw~~ Big Moose Mountain -- 4 1/2 hours;