

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

amending those criteria. The report must be submitted to the committee at the same time the major substantive rules required under section 3 are submitted to the Legislature.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2001-02

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Remediation and Waste Management

All Other \$3,000

Allocates funds for the additional costs of adopting rules pertaining to the siting of certain underground oil storage facilities.

See title page for effective date.

CHAPTER 303

H.P. 1054 - L.D. 1417

An Act to Amend the Membership of the Substance Abuse Services Commission

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

Sec. 1. 5 MRSA §20065, sub-§3, ¶E, as enacted by PL 1993, c. 410, Pt. LL, §12, is amended to read:

E. One representative from nominations by ~~the National Council on Alcoholism in Maine, Incorporated,~~ a statewide alliance for addiction recovery appointed by the Governor;

See title page for effective date.

CHAPTER 304

S.P. 145 - L.D. 489

An Act to Designate Equal Pay Day and to Require the Department of Labor to Report on Progress

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

Sec. 1. 1 MRSA §140 is enacted to read:

§140. Equal Pay Day

The first Tuesday in April is designated as Equal Pay Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe this day with appropriate activity.

Sec. 2. 26 MRSA §628, as amended by PL 1983, c. 652, §4, is further amended to read:

§628. Equal pay

An employer ~~shall~~ may not discriminate between employees in the same establishment on the basis of sex; by paying wages to any employee in any occupation in this State at a rate less than the rate at which ~~he~~ the employer pays any employee of the opposite sex for comparable work on jobs ~~which~~ that have comparable requirements relating to skill, effort and responsibility. Differentials ~~which~~ that are paid pursuant to established seniority systems or merit increase systems; or difference in the shift or time of the day worked, ~~which~~ that do not discriminate on the basis of sex; are not within this prohibition. ~~No~~ An employer may not discharge or discriminate; against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section.

The Department of Labor shall annually report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section. The report must be issued annually on Equal Pay Day as designated pursuant to Title 1, section 140.

See title page for effective date.

CHAPTER 305

S.P. 296 - L.D. 1007

An Act to Change the Party Responsible for Payment of a Penalty under the Tree Growth Tax Law when a Subdivision Results in a Parcel of Less than 10 Acres

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

Sec. 1. 36 MRSA §581-A, as amended by PL 1987, c. 772, §10, is further amended to read:

§581-A. Sale of portion of parcel of forest land

Sale of a portion of a parcel of forest land subject to taxation under this subchapter ~~shall~~ does not affect the taxation under this subchapter of the resulting parcels, unless any is less than 10 forested acres in area. Each resulting parcel ~~shall~~ must be taxed to the owners under this subchapter until the parcel is withdrawn from taxation under this subchapter, in which case the penalties provided for in sections 579 and 581 ~~shall~~ apply only to the owner of that parcel. If a parcel resulting from that sale is less than 10 forested acres in area, ~~the~~ that parcel ~~shall~~ must be considered ~~as~~ withdrawn from taxation under this subchapter as a result of the sale and the penalty assessed against the ~~owner~~ transferor of the resulting parcel of less than 10 forested acres.

Sec. 2. Application. This Act applies to transfers of land occurring on or after November 1, 2001.

See title page for effective date.

CHAPTER 306

H.P. 1084 - L.D. 1453

An Act to Amend the Laws that Govern Property that is Exempt from Attachment and Execution

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

Sec. 1. 14 MRSA §4422, sub-§1, ¶A, as amended by PL 1991, c. 741, §1, is further amended to read:

A. Except as provided in paragraph B, the debtor's aggregate interest, not to exceed ~~\$12,500~~ \$25,000 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, provided that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor's aggregate interest may not exceed ~~\$25,000~~ \$50,000 and provided further that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of ~~\$12,500~~ \$25,000 or the product of the debtor's fractional share times ~~\$25,000~~ \$50,000.

Sec. 2. 14 MRSA §4422, sub-§2, as amended by PL 1991, c. 741, §2, is further amended to read:

2. Motor vehicle. The debtor's interest, not to exceed ~~\$2,500~~ \$5,000 in value, in one motor vehicle.

Sec. 3. 14 MRSA §4422, sub-§13, ¶D, as enacted by PL 1981, c. 431, §2, is amended to read:

D. Alimony, support or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; ~~or~~

Sec. 4. 14 MRSA §4422, sub-§13, ¶E, as amended by PL 1995, c. 35, §1, is further amended to read:

E. A payment or account under a stock bonus, pension, profitsharing, annuity, ~~individual retirement account~~ or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:

- (1) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;
- (2) The payment is on account of age or length of service; and
- (3) The plan or contract does not qualify under the United States Internal Revenue Code of 1954, Section 401(a), 403(a), 403(b), 408 or 409; or

Sec. 5. 14 MRSA §4422, sub-§13, ¶F is enacted to read:

F. A payment or account under an individual retirement account or similar plan or contract on account of illness, disability, death, age or length of service to the sum of \$15,000 or to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, whichever is greater.

See title page for effective date.

CHAPTER 307

H.P. 901 - L.D. 1193

An Act to Clarify Certain Laws Relating to the Harvesting of Wild Animals

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

Sec. 1. 12 MRSA §7001, sub-§5-B is enacted to read: