

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

Special Revenue Funds account in the Department of Labor from accumulated savings to the unappropriated surplus of the General Fund no later than June 30, 2003.

PART L

Sec. L-1. State Bureau of Identification; fees. In accordance with the Maine Revised Statutes, Title 25, section 1541, the Commissioner of Public Safety is authorized to adjust the fee schedule for criminal history record checks effective May 1, 2003.

PART M

Sec. M-1. Carrying balance. Notwithstanding any other provision of law, \$100,000 in the All Other line category in the Administrative Services and Corporations, General Fund account in the Department of the Secretary of State shall carry forward to fiscal year 2003-04 to be used for the same purposes.

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

Effective April 18, 2003.

CHAPTER 52

H.P. 17 - L.D. 10

An Act to Amend the Laws Governing the Extension of Benefits for Partial Incapacity Under the Maine Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §213, sub-§1, as amended by PL 2001, c. 712, §1 and affected by §6, is further amended to read:

1. Benefit and duration. While the incapacity for work is partial, the employer shall pay the injured employee a weekly compensation equal to 80% of the difference between the injured employee's after-tax average weekly wage before the personal injury and the after-tax average weekly wage that the injured employee is able to earn after the injury, but not more than the maximum benefit under section 211. Compensation must be paid for the duration of the disability if the employee's permanent impairment, determined according to subsection 1-A and the impairment guidelines adopted by the board pursuant to section 153, subsection 8 resulting from the personal injury is in excess of 15% to the body. In all

other cases an employee is not eligible to receive compensation under this section after the employee has received 260 weeks of compensation under section 212, subsection 1, this section or both. The board may in the exercise of its discretion extend the duration of benefit entitlement beyond 260 weeks in cases involving extreme financial hardship due to inability to return to gainful employment. This authority may ~~not~~ be delegated by the board, on a case-by-case basis, to a hearing officer and such decisions or a panel of 3 hearing officers. Decisions made under this subsection must be made expeditiously. A decision under this subsection made by a hearing officer or a panel of 3 hearing officers may not be appealed to the board under section 320, but may be appealed pursuant to section 322.

See title page for effective date.

CHAPTER 53

H.P. 13 - L.D. 6

An Act to Amend the Child Labor Laws

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

Sec. 1. 26 MRSA §774, sub-§1, as amended by PL 1997, c. 131, §1, is further amended to read:

1. Minors under 18 years of age. A minor under 18 years of age, enrolled in school, may not be employed as follows:

A. More than 50 hours in any week when the minor's school is not in session;

B. More than 20 hours in any week when the minor's school is in session, except that the minor may work up to 8 hours on each day that an authorized school closure occurs in that minor's school up to a total of 28 hours in that week. In addition, the maximum weekly hours a minor may work is 50 hours during any week that the approved school calendar for the minor's school is less than 3 days or during the first or last week of the school calendar, regardless of how many days the minor's school is in session for the week. If requested, a school must provide verification of its closings to the minor's employer or the Department of Labor;

C. More than 10 hours in any day when the minor's school is not in session;

D. More than 4 hours in any day when the minor's school is in session, except that the minor