

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**Sec. 1. 24-A MRSA §2164-C**, as amended by PL 1993, c. 203, §1, is repealed and the following enacted in its place:

**§2164-C. Free competition**

**1. Appraisals or repairs to motor vehicle glass.**

A domestic or foreign insurer or its agent or employee may not require, directly or indirectly, that appraisals or repairs to motor vehicle glass be made or not be made in a specified place of business.

A domestic or foreign insurer or its agent or employee may not contract with any person to act as its agent for purposes of managing, handling or arranging repair or replacement of motor vehicle glass when that person is compensated by payment of a portion of the difference between the list price of the product or services provided and the amount paid to the person providing repair and replacement service.

**2. Appraisals or repairs to motor vehicles for collision damage.** A domestic or foreign insurer or its agent or employee may not require, directly or indirectly, that appraisals or repairs to motor vehicles with collision damage be made or not be made in a specified place of business.

A domestic or foreign insurer or its agent or employee may not contract with any person to act as its agent for purposes of managing, handling or arranging repair or replacement of motor vehicles for collision damage when that person is compensated by payment of a portion of the difference between the list price of the product or services provided and the amount paid to the person providing repair and replacement service.

A domestic or foreign insurer or its agent or employee may not recommend the use of a particular motor vehicle repair service or network of repair services without informing the claimant that the claimant is under no obligation to use the recommended repair service or network of repair services.

**Sec. 2. Bureau of Insurance bulletin.** On or before November 1, 2005, the Department of Professional and Financial Regulation, Bureau of Insurance shall issue to insurance companies and insurance producers who place motor vehicle insurance a bulletin regarding the amended provisions of the Maine Revised Statutes, Title 24-A, section 2164-C related to motor vehicle repairs.

See title page for effective date.

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**CHAPTER 102**

**S.P. 260 - L.D. 793**

**An Act To Reauthorize Funding for the Lobster Promotion Council**

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

**Sec. 1. 12 MRSA §6455, sub-§5**, as amended by PL 2001, c. 226, §1, is further amended to read:

**5. Fund established; license surcharge assessed.** The Lobster Promotion Fund, referred to in this subchapter as the "fund," is established to carry out the purposes of this subchapter. The department shall pay to the fund all money appropriated or received by the department for the purposes of this subchapter, except that the department may retain funds necessary to reimburse the department for the actual cost of collecting the license surcharges established in this subsection. The fund is capitalized from the following annual surcharges assessed on the following licenses issued by the department for calendar years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005 to 2020:

- A. Class I crab and lobster licenses for persons 18 to 69 years of age, \$31.25;
- B. Class II crab and lobster licenses, \$62.50;
- C. Class III crab and lobster licenses, \$93.75;
- D. Wholesale seafood licenses with lobster permits, \$250; and
- E. Lobster transportation licenses, \$250.

A person holding more than one of the licenses listed in this subsection is assessed a surcharge only on the highest surchargeable license held.

The Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the council upon request of the council. Interest from investments accrues to the fund.

All money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to be used for the same purposes.

In addition to payment of the regular license fee and the surcharge, a person purchasing a license subject to the surcharges established in this subsection may make voluntary contributions to the fund at the time the license is purchased. Voluntary contributions received

by the department from a licensee pursuant to this subsection must be deposited in the fund by the department and must be used by the council for the purposes of this subchapter.

See title page for effective date.

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## CHAPTER 103

H.P. 479 - L.D. 659

### An Act To Allow for Equitable Recovery of Wages for Employees Who Are Not Paid in Full

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

**Sec. 1. 26 MRSA §621-A**, as amended by PL 2005, c. 18, §1, is further amended to read:

#### §621-A. Timely and full payment of wages

**1. Minimum frequency and full payment.** At regular intervals not to exceed 16 days, every employer must pay in full all wages earned by each employee. Each payment must include all wages earned to within 8 days of the payment date. An employee who is absent from work at a time fixed for payment must be paid on demand after that time.

**2. Regular payment required.** Wages must be paid on an established day or date at regular intervals made known to the employee. When the interval is less than the maximum allowed by subsection 1, the interval may not be increased without written notice to the employee at least 30 days in advance of the increase.

**3. Compensatory time agreements.** Notwithstanding subsections 1 and 2, public agency employers and employees may enter into compensatory time overtime agreements in accordance with the federal Fair Labor Standards Act, 29 United States Code, Section 207(o). These agreements are governed solely by federal law. For purposes of this subsection, "public agency" has the same meaning as in 29 United States Code, Section 203(x).

**4. School personnel.** Employees of a school administrative unit who work the school year schedule may, upon written agreement between the employees and the school administrative unit, be paid for their work during the school year over 12 months or a shorter period, as provided in the written agreement. For purposes of this subsection, "written agreement" includes but is not limited to a collective bargaining agreement.

**5. Change in rate of pay.** Notwithstanding the provision of section 623 exempting salaried employees as defined in section 663, subsection 3, paragraph K, payment of wages or salary must be made at the rate previously established by the employer, except that the employer may decrease the rate of pay, effective the next working day, if the employer gives notice to all affected employees prior to the change. When an employer has temporarily increased an employee's wage rate to comply with the prevailing wage requirements of chapter 15; the federal Davis-Bacon Act, 40 United States Code, Section 276a et seq.; or other applicable federal or state law, an employer need not provide advance notice prior to returning the employee to the employee's regular wage rate, as long as the employer is in compliance with all posting and notice provisions of the applicable law. Changes of rates of pay made under a collective bargaining agreement are exempt from this requirement.

See title page for effective date.

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## CHAPTER 104

H.P. 184 - L.D. 245

### An Act To Enact an Immediate Review System in the Office of Program Evaluation and Government Accountability

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

**Sec. 1. 3 MRSA §994, sub-§10**, as amended by PL 2003, c. 673, Pt. GGGG, §6, is further amended to read:

**10. Adopt rules.** To adopt rules, as long as the rules are not in conflict with the Joint Rules of the Legislature. By January 1, 2005, the committee must develop a mission statement to be included in the rules; ~~and~~

**Sec. 2. 3 MRSA §994, sub-§11**, as enacted by PL 2003, c. 673, Pt. GGGG, §7, is amended to read:

**11. Information available to committee.** To receive certain information. Information that is made available to the committee is governed by chapter 21, which governs legislative investigating committees, and by Title 1, chapter 13, which governs public records and proceedings; and

**Sec. 3. 3 MRSA §994, sub-§12** is enacted to read: