

# 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**

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:

**12. Immediate review system.** To establish a system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major mismanagement of public funds or functions. If the director determines to proceed under the immediate review system and the committee approves proceeding under that system, qualified auditors and investigators may be retained by the director for that purpose. The director shall coordinate efforts with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

See title page for effective date.

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**CHAPTER 105**

**H.P. 522 - L.D. 727**

**An Act To Amend the Knox County Budget Process**

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

**Sec. 1. 30-A MRSA §751, sub-§1, ¶D,** as enacted by PL 1991, c. 257, is amended to read:

D. A vacancy occurring on the budget committee must be filled by the committee, subject to confirmation by a majority of the county commissioners, for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same ~~municipality district~~ or unorganized territory as the person vacating the office.

See title page for effective date.

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**CHAPTER 106**

**H.P. 835 - L.D. 1217**

**An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fundraising Projects**

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

**Sec. 1. 29-A MRSA §2109,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§2109. Stopping of traffic by hawkers and vendors**

A person commits a traffic infraction if that person signals a moving vehicle, stops a vehicle or

accosts an occupant of a vehicle stopped on a public way to solicit a contribution or subscription, or sell merchandise or a ticket of admission to an entertainment or public gathering. This section does not apply to an event or project conducted by a charitable nonprofit organization incorporated in or recognized by the State that has received municipal and local law enforcement authorization, including approval for the organization's traffic routing, schedule and procedures for the event or project.

See title page for effective date.

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**CHAPTER 107**

**H.P. 1126 - L.D. 1590**

**An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects**

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

**Whereas,** certain projects that come before the Maine Land Use Regulation Commission require inordinate resources for appropriate review; and

**Whereas,** the complexity, size and uniqueness of these projects can significantly affect the ability of the Maine Land Use Regulation Commission and its staff to process more routine applications; and

**Whereas,** the expedient processing of all applications is important to people proposing projects within the jurisdiction of the Maine Land Use Regulation Commission; 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. 12 MRSA §685-B, sub-§2, ¶B,** as amended by PL 1995, c. 487, §1, is further amended to read:

B. The fee prescribed by the commission rules, that fee to be a minimum of \$50 but no greater than 1/4 of 1% of the total development costs, except that the fee for subdivision applications is \$300 per lot. Zoning petitions submitted by other than a state or federal agency range from