

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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.**

---

---

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

liquidated damages equal to the amount awarded under subsection 1 if the employee proves to the satisfaction of the court that the employer's violation was willful.

**3. Attorney's fees.** In any action brought pursuant to this section, in addition to any judgment awarded to the employee, the court shall award reasonable attorney's fees and other costs of the action to be paid by the employer.

See title page for effective date.

## CHAPTER 229

S.P. 239 - L.D. 741

### **An Act To Designate the Department of Health and Human Services as the Official State Agency Responsible for Programs for Persons Affected by Brain Injury**

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

**Sec. 1. 22 MRSA §3089** is enacted to read:

#### **§3089. Acquired brain injury services**

The department is designated as the official state agency responsible for acquired brain injury services and programs.

**Sec. 2. Permanent and coordinated advisory capacity on matters pertaining to acquired brain injury.** No later than January 16, 2006, the Commissioner of Health and Human Services shall make recommendations to the Joint Standing Committee on Health and Human Services on any changes necessary to ensure that a permanent, effective and coordinated advisory capacity exists within the Department of Health and Human Services to advise the commissioner and the department on all matters pertaining to the administration and provision of programs and services for persons with acquired brain injury and their families. In making these recommendations, the commissioner shall ensure that the advisory process is broadly inclusive and representative of persons with acquired brain injury and their families and providers of services to persons with acquired brain injury.

See title page for effective date.

## CHAPTER 230

H.P. 723 - L.D. 1070

### **An Act To Amend the Law Regarding State Milk Payments**

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

**Sec. 1. 7 MRSA §3153-C, sub-§2** is enacted to read:

**2. Optional delay of payments.** A milk producer eligible for payments under this section may choose to delay the month of the initial payment by notifying the administrator of the Maine Milk Pool on or before the 15th day of the month following the month in which production exceeded the annual production cap under the federal Milk Income Loss Contract. The producer must state the month requested for the initial payment. A producer may change the month selected for the initial payment by notifying the administrator on or before the 15th day of the month preceding the selected month. After an initial payment under this section, the administrator of the Maine Milk Pool shall make subsequent payments each month in which payments are made under the federal Milk Income Loss Contract until that producer's annual production reaches 5,000,000 pounds. When a producer chooses to delay payments under this section, production for each month that payments are delayed is not counted towards the annual production cap of 5,000,000 pounds.

See title page for effective date.

## CHAPTER 231

S.P. 114 - L.D. 367

### **An Act To Monitor and Maintain Maximum Levels of Assistance in the General Assistance Program**

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

**Sec. 1. 22 MRSA §4305, sub-§3-B,** as amended by PL 1993, c. 410, Pt. AAA, §3, is further amended to read:

**3-B. Temporary maximum levels.** Notwithstanding subsection 3-A, municipalities shall establish an aggregate maximum level of assistance that is 110% of the applicable existing housing fair market rents as established by the United States Department of Housing and Urban Development pursuant to 24 Code of Federal Regulations, Section 888.115, applying the zero-bedroom level for one person, the