

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.

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

one-bedroom level for 2 persons, the 2-bedroom level for 3 persons, the 3-bedroom level for 4 persons and the 4-bedroom level for 5 persons. For each additional person, the aggregate maximum level increases by \$75. For the purposes of this subsection, municipalities with populations greater than 10,000 are deemed Standard Metropolitan Statistical Areas in those counties for which there are 2 fair market rent values and the aggregate maximum level of assistance for all Standard Metropolitan Statistical Areas is the average of the fair market rental values for the Standard Metropolitan Statistical Areas and areas that are not Standard Metropolitan Statistical Areas for each county in which there are 2 fair market rental values.

Beginning October 2005 and annually thereafter, the aggregate maximum level of assistance must be established at the greater of 110% of the fair market rents as determined in this subsection and the amount achieved by annually increasing the most recent aggregate maximum level of assistance by the percentage increase in the federal poverty level of the current year over the federal poverty level of the prior year.

For the purposes of this subsection, "federal poverty level" means that measure defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2).

See title page for effective date.

CHAPTER 232

S.P. 318 - L.D. 943

An Act To Amend the Laws Governing the Department of Labor's Construction Industry Wage and Hour Survey

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

Sec. 1. 26 MRSA §1308, sub-§1-B is enacted to read:

1-B. Additional trades. Any party affected by this chapter that believes that there are more than 10 workers employed in the State in a laborer, worker or mechanic trade or occupation for which no wage and benefit rates were set based on the previous survey may petition the director for inclusion of that trade or occupation in a supplemental survey. The director shall determine if the proposed trade or occupation is a definable trade or occupation, is one that has been or will be used in construction of public works covered by this chapter and is underrepresented in the survey process. If the director confirms these conditions,

notwithstanding any other provision of this chapter, the director may institute supplemental survey processes to establish wage and benefit rates for the trade or occupation. These supplemental survey processes must be conducted in coordination with the regular survey and designed to minimize the burden on any employer required to respond.

See title page for effective date.

CHAPTER 233

S.P. 429 - L.D. 1250

An Act Regarding Shellfish Harvesting

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

Sec. 1. 12 MRSA §6601, sub-§5, as amended by PL 2003, c. 20, Pt. WW, §11, is further amended to read:

5. Fee. The Except as provided in subsection 5-A, the fee for a shellfish license is \$115.

Sec. 2. 12 MRSA §6601, sub-§5-A is enacted to read:

5-A. Exception. The fee for a shellfish license for applicants 70 years of age or older is \$57.50.

See title page for effective date.

CHAPTER 234

S.P. 554 - L.D. 1576

An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests

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

Whereas, current Maine law requires assignees of motor vehicle liens to file new title applications with the Secretary of State within 30 days after the assignment of the lien; and

Whereas, this statutory provision has had an unintended adverse effect on finance companies that purchase Maine motor vehicle contracts and, as a result, on the financing options that dealers can make available to consumers; and

Whereas, this legislation exempts assignees from filing new title applications as long as the