

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

OTHER SPECIAL REVENUE
FUNDS TOTAL \$60,000 \$90,000

See title page for effective date.

CHAPTER 337

S.P. 270 - L.D. 815

An Act To Require That Directors within the Department of Agriculture, Food and Rural Resources Be Unclassified

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

Sec. 1. 5 MRSA §933, sub-§1, ¶A, as amended by PL 1997, c. 643, Pt. NN, §1, is further amended to read:

A. Deputy Commissioner;

Sec. 2. 5 MRSA §933, sub-§1, ¶¶J to N are enacted to read:

J. Director, Office of Agricultural, Natural and Rural Resources;

K. Director, Division of Plant Industry;

L. Director, Division of Animal Health and Industry;

M. Director, Division of Market and Production Development; and

N. Director, Division of Quality Assurance and Regulation.

Sec. 3. 7 MRSA §3, as repealed and replaced by PL 1979, c. 731, §8, is amended by adding after the first paragraph a new paragraph to read:

Directors are unclassified employees and are appointed by the commissioner.

Sec. 4. Transition. Persons serving as division directors within the Department of Agriculture, Food and Rural Resources on the effective date of this Act continue to serve as classified employees until January 2, 2007.

See title page for effective date.

CHAPTER 338

S.P. 294 - L.D. 886

An Act To Promote Parity in the Laws Governing Smoking in the Workplace

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

Sec. 1. 22 MRSA §1541, sub-§3, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed.

Sec. 2. 22 MRSA §1542, sub-§2, ¶I, as enacted by PL 1993, c. 342, §1 and affected by §9, is repealed.

Sec. 3. 22 MRSA §1580-A, sub-§2, ¶¶A-1 and C-1 are enacted to read:

A-1. "Club" means a reputable group of individuals, including a veterans' service organization chartered under 36 United States Code, Subtitle II, Part B (2004), incorporated and operating in a bona fide manner solely for purposes of a recreational, social, patriotic or fraternal nature and not for pecuniary gain.

C-1. "Member" means a person who, whether as a charter member or admitted in accordance with applicable bylaws, is a bona fide member of a club and who maintains membership in good standing by payment of dues in a bona fide manner in accordance with bylaws and whose name and address are entered on the list of members. A person who does not have full membership privileges may not be considered a bona fide member.

Sec. 4. 22 MRSA §1580-A, sub-§§3 and 4, as enacted by PL 1985, c. 126, are amended to read:

3. Policy; notice. Each employer shall establish, or may negotiate through the collective bargaining process, a written policy concerning smoking and nonsmoking by employees in that portion of any business facility for which ~~he~~ the employer is responsible. In order to protect the employer and employees from the detrimental effects of smoking by others, the policy ~~shall~~ must prohibit smoking except in designated smoking areas. The policy may prohibit smoking throughout the business facility. The employer shall post and supervise the implementation of the policy. The employer shall provide a copy of this policy to any employee upon request. ~~Nothing in this section may affect the right of any employer to establish policies concerning smoking and nonsmoking by members of the public who have access to the business facility.~~ Nothing in this section may be construed to subject an employer to any additional