

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

heritage fish water under this section. A person who violates this subsection commits a Class E crime.

See title page for effective date.

CHAPTER 22

H.P. 195 - L.D. 224

An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers

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

Sec. 1. 26 MRSA §663, sub-§3, ¶B is amended to read:

B. ~~Any~~ An individual employed in domestic service in or about a private home and engaged directly by the resident or owner of that private home or the family of the resident or homeowner;

Sec. 2. 26 MRSA §663, sub-§3, ¶J is amended to read:

J. Members of the family of the employer who reside with and are dependent upon the employer; and

See title page for effective date.

CHAPTER 23

S.P. 129 - L.D. 382

An Act To Correct an Inconsistency in Unemployment Insurance Tax Law

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

Sec. 1. 26 MRSA §1221, sub-§5, ¶B, as repealed and replaced by PL 1981, c. 16, §7, is repealed.

See title page for effective date.

CHAPTER 24

H.P. 743 - L.D. 983

An Act To More Clearly Define Maple Syrup

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

Whereas, the amended definition of the term “maple syrup” in this legislation must be in effect for the 2007 maple syrup marketing season; 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. 7 MRSA §892-A, sub-§1, ¶D, as enacted by PL 1991, c. 326, §2, is amended to read:

D. “Maple syrup,” which may also be spelled “maple sirop” or “maple sirup,” means the liquid derived by concentration and heat treatment of the sap of ~~the maple tree~~ trees, (Acer) or by the solution in water of maple sugar or maple concentrate made from such sap. The solids content of maple syrup may not be less than 66% by weight or more than 69% by weight, as measured in Brix units at a temperature of 68 degrees Fahrenheit.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 2, 2007.

CHAPTER 25

S.P. 245 - L.D. 796

An Act To Create the Endangered or Threatened Marine Species Fund

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

Sec. 1. 12 MRSA §6978 is enacted to read:

§6978. Endangered or Threatened Marine Species Fund

The Endangered or Threatened Marine Species Fund, referred to in this section as “the fund,” is established within the department.

1. Sources. The commissioner may receive donations and funding from any source on behalf of the fund.

2. Purpose; use of fund. The purpose of the fund is to support activities related to the management of endangered or threatened marine species. All money received into the fund must be used for the purposes of the fund.

3. Interest and balances credited to fund. Any interest earned on the money in the fund must be cred-

ited to the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year and credited to the fund to be used for the purposes of this section.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF
Bureau of Resource Management 0027**

Initiative: Beginning in fiscal year 2007-08, the Bureau of Resource Management program within the Department of Marine Resources will require an initial base Other Special Revenue allocation of \$500 to reflect the establishment of the Endangered or Threatened Marine Species Fund.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 26
S.P. 44 - L.D. 136**

**An Act Regarding the
Enforcement of Penalties
under the Maine Workers'
Compensation Act of 1992**

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

Sec. 1. 39-A MRSA §361, as enacted by PL 1993, c. 145, §6, is repealed and the following enacted in its place:

§361. Payment to the Workers' Compensation Board Administrative Fund; enforcement

1. Payment. All penalties assessed under this Act are payable to the Workers' Compensation Board Administrative Fund, unless otherwise provided by law. Upon certification by the board that certain amounts in the Workers' Compensation Board Administrative Fund attributable to penalties assessed pursuant to this Act are not required to support the activities of the board, the Treasurer of State shall transfer funds in the amount certified by the board to the General Fund.

2. Enforcement and collection. All penalties assessed under this Act are enforceable by the Superior Court under section 323.

A. The Attorney General shall prosecute any action necessary to recover penalties payable to the Workers' Compensation Board Administrative Fund, Employment Rehabilitation Fund or General Fund, or the board may retain private counsel for that purpose.

B. If a person fails to pay a penalty assessed under this Act that is payable to the Workers' Compensation Board Administrative Fund, Employment Rehabilitation Fund or General Fund and enforcement by the Superior Court is necessary:

(1) That person shall pay the costs of prosecuting the action in Superior Court, including reasonable attorney's fees; and

(2) If the failure to pay was without due cause, any penalty assessed on that person under this Act must be doubled.

See title page for effective date.

**CHAPTER 27
S.P. 80 - L.D. 243**

**An Act To Establish Cancer
Awareness Week and Lung
Cancer Awareness Day**

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

Sec. 1. 1 MRSA §150 is enacted to read:

§150. Cancer Awareness Week

The Governor shall annually issue a proclamation setting aside November 1st to November 7th each year as Cancer Awareness Week and November 1st as Lung Cancer Awareness Day. The proclamation must invite and urge citizens, health agencies, schools and other suitable organizations and groups to observe this week through appropriate activities.

See title page for effective date.

**CHAPTER 28
S.P. 86 - L.D. 249**

**An Act To Establish May 25th
as Missing Persons Day**

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

Whereas, this legislation concerns an observance occurring at a time before the end of this session; and