

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief; ;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202; and

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator.

**Sec. 19. 29-A MRSA §2054, sub-§1, ¶E-1** is enacted to read:

E-1. "Fire department vehicle" means a vehicle owned by, registered to and maintained by a governmental agency or political subdivision that is equipped and used primarily for response to a fire or emergency situation.

**Sec. 20. 29-A MRSA §2054, sub-§9,** as amended by PL 2003, c. 97, §1, is further amended to read:

**9. Stationary vehicles.** The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary wrecker using its authorized lights, with due regard to the safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the authorized emergency vehicle or wrecker, if possible; or

B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or wrecker at a careful and prudent speed reasonable for passing the authorized emergency vehicle or wrecker safely.

A violation of this subsection is a traffic infraction for which a minimum fine of \$250 must be adjudged.

**Sec. 21. 29-A MRSA §2057, sub-§10,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**10. Failure to yield; criminal offense.** A person commits a Class E crime if ~~that~~ the person operates a vehicle past a yield sign and collides with a vehicle or pedestrian proceeding on the intersecting way.

**Sec. 22. 29-A MRSA §2057, sub-§10-A** is enacted to read:

**10-A. Failure to yield; traffic infraction.** A person commits a traffic infraction if the person operates a vehicle past a yield sign and fails to yield the right-of-way to a vehicle or pedestrian proceeding on the intersecting way.

**Sec. 23. 29-A MRSA §2251, sub-§1,** as amended by PL 1999, c. 61, §1, is further amended to read:

**1. Definition.** As used in this section, "reportable accident" means an accident on a public way or a place

where public traffic may reasonably be anticipated, resulting in bodily injury or death to a person or apparent property damage of \$1,000 or more. Apparent property damage under this subsection must be based upon the market value of the necessary repairs and may not be limited to the current value of the vehicle or property.

See title page for effective date.

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## CHAPTER 349

### H.P. 1270 - L.D. 1822

#### An Act To Implement the Recommendations of the Right To Know Advisory Committee

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 1 MRSA §412** is enacted to read:

**§412. Public records and proceedings training for certain elected officials**

**1. Training required.** Beginning July 1, 2008, an elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official. For elected officials subject to this section serving in office on July 1, 2008, the training required by this section must be completed by November 1, 2008.

**2. Approval by advisory committee; minimum requirements.** The training course under subsection 1 must be approved by the advisory committee. The training must be designed to be completed by an official in less than 2 hours. At a minimum, the training must include instruction in:

A. The general legal requirements of this chapter regarding public records and public proceedings;

B. Procedures and requirements regarding complying with a request for a public record under this chapter; and

C. Penalties and other consequences for failure to comply with this chapter.

3. Certification of completion. Upon completion of the training course under subsection 1, the elected official shall send a written or an electronic notification to the advisory committee attesting to the fact that the training has been completed. The advisory committee shall maintain a record of those elected officials who have completed the training required by this section and make that record available to the public in accordance with the requirements of this chapter.

4. Application. This section applies to:

A. The Governor;

B. The Attorney General, Secretary of State, Treasurer of State and State Auditor;

C. Members of the Legislature; and

D. An elected official of a county, municipality, school district or school board or any regional or other political subdivision who, as part of the duties of the office, exercises executive or legislative powers.

See title page for effective date.

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**CHAPTER 350**

**H.P. 1298 - L.D. 1862**

**An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage**

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

**Sec. 1. 39-A MRSA §102, sub-§11, ¶A,** as amended by PL 2003, c. 344, Pt. D, §27 and c. 423, §4 and affected by §5, is further amended to read:

A. "Employee" includes officials of the State and officials of counties, cities, towns, water districts and all other quasi-public corporations of a similar character, every duly elected or appointed executive officer of a private corporation other than a charitable, religious, educational or other nonprofit corporation, and every person in the service of another under any contract of hire, express or implied, oral or written, except:

(1) Persons engaged in maritime employment or in interstate or foreign commerce who are within the exclusive jurisdiction of admiralty law or the laws of the United States, except that this section may not be construed to exempt from the definition of "employee" a person who is employed by the State and is thereby barred by the State's sovereign immunity from bringing a claim against that person's employer under admiralty law or other laws of the United States

for claims that are otherwise cognizable under this Act;

(2) Firefighters, including volunteer firefighters who are active members of a volunteer fire association as defined in Title 30-A, section 3151; volunteer emergency medical services persons as defined in Title 32, section 83, subsection 12; and police officers are employees within the meaning of this Act. In computing the average weekly wage of an injured volunteer firefighter or volunteer emergency services person, the average weekly wage must be taken to be the earning capacity of the injured employee in the occupation in which the employee is regularly engaged. Employers who hire workers within this State to work outside the State may agree with these workers that the remedies under this Act are exclusive as regards injuries received outside this State arising out of and in the course of that employment; and all contracts of hiring in this State, unless otherwise specified, are presumed to include such an agreement. Any reference to an employee who has been injured must, when the employee is dead, include the employee's legal representatives, dependents and other persons to whom compensation may be payable;

(3) Notwithstanding any other provisions of this Act, any charitable, religious, educational or other nonprofit corporation that may be or may become an assenting employer under this Act may cause any duly elected or appointed executive officer to be an employee of the corporation by specifically including the executive officer among those to whom the corporation secures payment of compensation in conformity with chapter 5; and the executive officer must remain an employee of the corporation under this Act while such payment is so secured. With respect to any corporation that secures compensation by making a contract of workers' compensation insurance, specific inclusion of the executive officer in the contract causes the officer to be an employee of the corporation under this Act;

(4) Except for persons engaged in harvesting of forest products, any person who, in a written statement to the board, waives all the benefits and privileges provided by the workers' compensation laws, provided that the board has found that person to be a bona fide owner of at least 20% of the outstanding voting stock of the corporation by which that person is employed or a shareholder of the professional corporation by which that person is employed and that this waiver was not a