

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

employer's business and other costs of furnishing facilities primarily for the benefit or convenience of the employer may not be considered a "debt."

See title page for effective date.

CHAPTER 358

S.P. 376 - L.D. 1188

An Act Regarding Local Plumbing Inspectors

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

Sec. 1. 30-A MRSA §4222, as enacted by PL 1987, c. 737, Pt. A §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§4222. Approving own work forbidden

A primary or alternate local plumbing inspector may not issue a permit or perform any construction inspection for an internal plumbing job or subsurface wastewater disposal system for which the local plumbing inspector or any employee, employer, agent or representative of the local plumbing inspector has performed or intends to perform a site evaluation or labor or has provided or intends to provide any products or services.

See title page for effective date.

CHAPTER 359

H.P. 908 - L.D. 1290

An Act To Enhance Enforcement of Public Health Measures

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

Sec. 1. 22 MRSA §817, as amended by PL 2005, c. 383, §14, is further amended to read:

§817. Discharge

An individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 may be discharged ~~whenever~~ when the physician responsible for that individual's treatment and the department determine that the individual may be discharged without danger to other individuals. The department shall immediately report the discharge, with a full statement of the reasons for the discharge, to the court that ordered the commitment.

If an individual committed to a hospital, facility or private home pursuant to section 812 or section 813 or subject to a prescribed care order of the department or a court pursuant to section 820 violates the commitment prior to discharge in accordance with this section, the hospital or physician responsible for treatment shall immediately report this to the department. An arrest warrant must be issued upon application by the department to the District Court or Superior Court.

Sec. 2. 30-A MRSA §1560, sub-§1-A is enacted to read:

1-A. Transportation; medical care. A person detained or committed to a jail or correctional facility as a consequence of a violation of a public health measure pursuant to Title 22, section 812 or section 813 or as a consequence of a violation of a prescribed care order pursuant to Title 22, section 820 may be transported by the sheriff or superintendent of the correctional facility for medical care if a court orders the transport. The Department of Health and Human Services shall bear the costs of transportation and the per diem compensation for the accompanying officers.

Sec. 3. Review of treatment of persons subject to public health measures or prescribed care orders. The Department of Health and Human Services shall review present procedures to place into custody persons in violation of public health measures issued pursuant to the Maine Revised Statutes, Title 22, sections 812 and 813, or prescribed care orders issued pursuant to Title 22, section 820, to determine the adequacy of those procedures in protecting public health and preventing the transmission of communicable disease, environmental disease or occupational disease. The review must include:

1. The feasibility of developing secure residential treatment facilities in the State or establishing relations with out-of-state residential treatment facilities to which persons determined to constitute significant public health risks could be involuntarily committed;
2. The feasibility of identifying a specific law enforcement agency in the State with whom to task the responsibility to execute arrest warrants in public health cases;
3. Consideration of methods to improve the State's arrest warrant repository system to ensure that arrest warrants in public health cases are promptly executed; and
4. An evaluation of treatment alternatives and public health interventions to prevent the transmission of communicable disease, environmental disease or occupational disease to law enforcement officers or other persons involved in the execution of arrest warrants in public health cases.

The Department of Health and Human Services shall include in its review input from representatives

of the Department of Public Safety; the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency; the Criminal Law Advisory Commission; the Office of the Attorney General; and the Maine Sheriffs' Association. The Department of Health and Human Services shall report by January 31, 2008 to the Joint Standing Committee on Criminal Justice and Public Safety regarding the review and any recommendations. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

See title page for effective date.

CHAPTER 360
H.P. 913 - L.D. 1295

**An Act To Amend the Labor
Laws Regarding Automobile
Dealerships**

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

Sec. 1. 26 MRSA §663, sub-§11, as enacted by PL 1985, c. 76, §1, is amended to read:

11. Automobile salesperson. "Automobile ~~salesman~~ salesperson" means a person who is primarily engaged in selling automobiles or trucks as an employee of an establishment primarily engaged in the business of selling these vehicles to the ultimate purchaser. "Automobile salesperson" includes a person who is primarily engaged in assisting in the financing and providing of insurance products to the ultimate purchaser.

Sec. 2. 26 MRSA §663, sub-§12, as enacted by PL 1985, c. 76, §1, is amended to read:

12. Automobile mechanic. "Automobile mechanic" means a person who is primarily engaged in the servicing of automobiles or trucks as an employee of an establishment primarily engaged in the business of selling automobiles or trucks to the ultimate purchaser, as long as the person's annual compensation exceeds 3,000 times the state minimum hourly wage or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher, except when the employee is paid by the employer on an hourly basis.

Sec. 3. 26 MRSA §663, sub-§13, as enacted by PL 1991, c. 507, §1, is amended to read:

13. Automobile parts clerk. "Automobile parts clerk" means a person employed for the purpose of and primarily engaged in requisitioning, stocking and dispensing automobile parts as an employee of an establishment primarily engaged in the business of sell-

ing automobiles or trucks to the ultimate purchaser, as long as the person's annual compensation exceeds 3,000 times the state minimum hourly wage or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher, except when the employee is paid by the employer on an hourly basis.

Sec. 4. 26 MRSA §663, sub-§14 is enacted to read:

14. Automobile service writer. "Automobile service writer" means a person employed for the purpose of and primarily engaged in receiving, analyzing and referencing requests for service, repair or analysis of motor vehicles as an employee of an establishment primarily engaged in the business of selling automobiles or trucks to the ultimate purchaser, as long as the person's annual compensation exceeds 3,000 times the state minimum hourly wage or the annualized rate established by the United States Department of Labor under the federal Fair Labor Standards Act, whichever is higher, except that "automobile service writer" does not include an employee who is paid by the employer on a hourly basis.

Sec. 5. 26 MRSA §664, sub-§3, ¶A, as amended by PL 2001, c. 336, §1, is further amended to read:

A. Automobile mechanics, automobile parts clerks, automobile service writers and automobile ~~salesmen~~ salespersons as defined in section 663. The interpretation of these terms must be consistent with the interpretation of the same terms under federal overtime law, 29 United States Code, Section 213;

See title page for effective date.

CHAPTER 361
H.P. 935 - L.D. 1327

**An Act To Amend Survivors'
Benefits under the Workers'
Compensation Laws**

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

Sec. 1. 39-A MRSA §215, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

§215. Death benefits

1. Death of employee. If death results from the injury of an employee, the employer shall pay or cause to be paid to the dependents of the employee who were wholly dependent upon the employee's earnings for support at the time of the injury, a weekly payment equal to 80% of the employee's after-tax average