

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
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Penmor Lithographers
Lewiston, Maine
2007

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