

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

The board shall require a licensee to notify all patients of the licensee of a probation or stipulation under which the licensee is practicing as a result of board disciplinary action. This requirement does not apply to a physician participating in an alcohol or drug treatment program pursuant to Title 24, section 2505, a physician who retires following charges made or complaints investigated by the board or a physician under the care of a professional and whose medical practices and services are not reduced, restricted or prohibited by the disciplinary action.

See title page for effective date.

CHAPTER 29

S.P. 33 - L.D. 84

An Act To Ensure Fair Pay

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

Sec. 1. 26 MRSA §628, first ¶, as amended by PL 2001, c. 304, §2, is further amended to read:

An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex are not within this prohibition. An employer may not discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section. An employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about another employee's wages if the purpose of the disclosure or inquiry is to enforce the rights granted by this section. Nothing in this section creates an obligation to disclose wages.

See title page for effective date.

CHAPTER 30

H.P. 174 - L.D. 209

An Act To Abolish the Intergovernmental Advisory Commission

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

Sec. 1. 5 MRSA §12004-I, sub-§75-C, as amended by PL 2005, c. 222, §1, is repealed.

Sec. 2. 30-A MRSA §2181, as amended by PL 2005, c. 222, §2, is repealed.

Sec. 3. 30-A MRSA §6210, as amended by PL 2005, c. 222, §4 and enacted by c. 266, §2, is repealed.

See title page for effective date.

CHAPTER 31

H.P. 258 - L.D. 322

An Act To Clarify the Prohibition on Payment for Health Care Facility Mistakes or Preventable Adverse Events

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

Sec. 1. 22 MRSA §1721, sub-§2, as enacted by PL 2007, c. 605, §1, is amended to read:

2. Prohibition. A health care facility is prohibited from knowingly charging a patient or the patient's insurer or the patient's employer as defined in Title 39-A, section 102, subsection 12 for health care services it provided as a result of or to correct a mistake or preventable adverse event caused by that health care facility.

See title page for effective date.

CHAPTER 32

S.P. 221 - L.D. 606

An Act To Enable the Maine Employers' Mutual Insurance Company To Better Serve the Needs of All Employers

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

Sec. 1. 24-A MRSA §3703, sub-§1, as amended by PL 2007, c. 125, §1, is further amended to read:

1. Workers' compensation. The company shall provide workers' compensation insurance and employers' liability insurance incidental to and written in connection with workers' compensation coverage to employers in this State. The company may provide employment practices liability insurance incidental to and written in connection with workers' compensation coverage for employers ~~with an average of 100 or fewer employees~~ if the employment practices liability insurance is provided as an endorsement to workers'

compensation coverage approved by the superintendent and is provided under terms and conditions, including reinsurance protection, approved by the superintendent. Rates for employment practices liability insurance are subject to chapter 25. The company may not write other lines of insurance. The company may reinsure workers' compensation and employers' liability insurance written by other insurers that are covering out-of-state employees of Maine-based employers that are insured by the company. For the purpose of providing insurance to Maine-based employers operating in other states, the company may apply to appropriate regulatory authorities in those states for authority to write workers' compensation, employers' liability and employment practices liability insurance for Maine-based employers' operations in those states. The company may form or acquire subsidiary insurers in other states that are authorized to write only workers' compensation insurance, employers' liability insurance and employment practices liability insurance as long as such coverage is incidental to and written in connection with workers' compensation coverage. The superintendent may authorize a subsidiary insurer formed or acquired by the company to write workers' compensation, employers' liability and employment practices liability insurance in this State as long as such coverage is incidental to and written in connection with coverage in the state in which the insured's principal place of business is located. The superintendent may not authorize a subsidiary insurer formed or acquired by the company to write any other line of insurance in this State.

See title page for effective date.

CHAPTER 33

S.P. 541 - L.D. 1454

An Act To Provide Additional Unemployment Benefits and Make Statutory Revisions in Accordance with the American Recovery and Reinvestment Act of 2009

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

Whereas, there is a federal option that permits the State's long-term unemployed workers to qualify for either 13 or 20 weeks of additional unemployment benefits during periods of high unemployment; and

Whereas, effective February 17, 2009, the American Recovery and Reinvestment Act of 2009, Public Law 111-5 made changes to the laws governing extended benefits in the unemployment compensation

program, under which this option exists, such that in most cases, 100% of the benefits paid out under this program would be paid by the federal government for weeks of unemployment beginning after February 17, 2009 and before January 1, 2010; and

Whereas, it is likely that as many as 9,900 unemployed workers of the State would benefit from extended benefits in the unemployment compensation program if the federal option were temporarily adopted by the State; and

Whereas, in addition, a change must be made to the Maine Revised Statutes, Title 26, section 1193, subsection 1 in order for this State to meet the provisions of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, Section 2003 pertaining to special transfers for unemployment compensation modernization; 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. 26 MRSA §1193, sub-§1, ¶A, as amended by PL 2003, c. 28, §1, is further amended to read:

A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment. The disqualification continues until the claimant has earned 4 times the claimant's weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:

(1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment need for time off, a change or reduction in hours or a shift change and being advised by the employer that the time off or change or reduction in hours or shift change cannot or will not be accommodated;

(2) The leaving was necessary to accompany, follow or join the claimant's spouse in a new place of residence and the claimant can clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market, and the claimant is in all