

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

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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

Sec. 2. 12 MRSA §6353, sub-§1, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

1. Request for hearing; place of hearing. A hearing must be requested in writing within 10 days from the effective date of the suspension. If requested, it must be held within 10 days of the request unless a longer period of time is mutually agreed to in writing. The hearing must be conducted in the Augusta area.

Sec. 3. 12 MRSA §6353, sub-§2, as enacted by PL 1977, c. 661, §5, is amended to read:

2. Evidence. At the hearing, the holder or the department may present any evidence concerning the violation ~~which might justify reinstatement of his license or certificate, or reduction of the suspension period.~~

Sec. 4. 12 MRSA §6372, sub-§3, ¶A, as enacted by PL 1977, c. 661, §5, is amended to read:

A. Evidence, Title 5, section 9057, except the issues ~~shall be limited~~ are limited to whether the licensee had a license and whether ~~he~~ the licensee refused inspection;

Sec. 5. 12 MRSA §6402, as amended by PL 2007, c. 201, §1, is further amended to read:

§6402. Suspension based on adjudication of molesting

The commissioner shall suspend the lobster and crab fishing license of a license holder or the nonresident lobster and crab landing permit of a permit holder ~~convicted~~ adjudicated in court of violating section 6434. This suspension is for 3 years from the date of ~~conviction~~ adjudication.

1. Adjudications for cutting lobster trap lines. A person ~~convicted~~ adjudicated under section 6434 of molesting lobster gear by cutting a lobster trap line shall, upon making full payment as ordered by the court under section 6434, subsection 4, paragraph A, provide the commissioner with proof of that payment. If the commissioner does not receive that proof within 3 years after the date of ~~conviction~~ adjudication, the commissioner shall continue that license suspension until such time as that proof is received.

Sec. 6. 12 MRSA §6406, sub-§1, as amended by PL 1991, c. 302, §1 and affected by §2, is further amended to read:

1. Prohibited acts. It is unlawful for any person whose license or right to obtain a license is under suspension to:

- A. Engage in any licensed activity;
- B. Give another person permission to raise, lift, transfer or possess lobster traps or cars marked with the suspended person's lobster and crab fishing license number or lobster traps with buoys

that carry the color design on file with the suspended license;

C. Assist a holder of a Class II lobster and crab fishing license as a crew member; or

E. For any violation occurring on or after the effective date of this paragraph, assist any license holder as a crew member in any activity authorized by the suspended license.

See title page for effective date.

CHAPTER 152

H.P. 186 - L.D. 232

An Act To Require Businesses To Make Toilet Facilities Available to Individuals with Certain Medical Conditions

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

Sec. 1. 22 MRSA §1671, as repealed and replaced by PL 1985, c. 737, Pt. A, §53, is amended to read:

§1671. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Shopping center. "Shopping center" means any building or facility containing 6 or more separate retail establishments ~~which~~ that are planned, developed, owned or managed as a unit, with an off-street parking area of not less than 2 acres.

2. Customer. "Customer" means an individual who is lawfully on the premises of a retail establishment.

3. Eligible medical condition. "Eligible medical condition" means Crohn's disease, ulcerative colitis or any other inflammatory bowel disease, irritable bowel syndrome, a condition requiring the use of an ostomy device or any other medical condition that requires immediate access to a toilet facility.

4. Retail establishment. "Retail establishment" means a place of business open to the general public for the sale of goods or services.

Sec. 2. 22 MRSA §1672-B is enacted to read:

§1672-B. Retail establishments; access to employee toilet facilities

1. Access for customers with eligible medical conditions. A retail establishment that has a toilet facility for its employees shall allow a customer to use that facility during normal business hours if:

A. The customer requesting the use of the employee toilet facility suffers from an eligible medical condition;

B. Three or more employees of the retail establishment are working at the time the customer requests the use of the employee toilet facility;

C. Allowing the customer to use the toilet facility would not impose an undue burden on the retail establishment;

D. The retail establishment does not normally make a toilet facility available to the public;

E. The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment; and

F. A public toilet facility is not immediately accessible to the customer.

2. Liability. A retail establishment or an owner or employee of a retail establishment is not civilly liable for any act or omission in allowing a customer to use an employee toilet facility that is not a public toilet facility pursuant to subsection 1 unless:

A. The retail establishment or owner or employee of the retail establishment is willfully or grossly negligent;

B. The act or omission occurs in an area of the retail establishment that is not accessible to the public; and

C. The act or omission results in an injury to or death of the customer or an individual other than an employee accompanying the customer.

3. Modifications not required. A retail establishment is not required to make any physical change to an employee toilet facility under this section.

4. Application. This section may not be construed to limit the rights, remedies and procedures afforded to individuals pursuant to the Maine Human Rights Act. The civil penalties in section 1674 may not be assessed for any violation of this section.

Sec. 3. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 22, chapter 270, in the chapter headnote, the words "shopping centers" are amended to read "shopping centers and retail establishments" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 153 H.P. 591 - L.D. 860

An Act Relating to Geothermal Heat Exchange Wells

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

Sec. 1. 32 MRSA §4700-E, sub-§3-C is enacted to read:

3-C. Geothermal heat exchange well. "Geothermal heat exchange well" means a hole drilled, driven or bored into the earth for the purpose of using the heat exchange capacity of the earth for heating and cooling.

Sec. 2. 32 MRSA §4700-E, sub-§3-D is enacted to read:

3-D. Geothermal heat exchange well driller. "Geothermal heat exchange well driller" means a person, firm or corporation engaged in the work of drilling, driving or boring geothermal heat exchange wells.

Sec. 3. 32 MRSA §4700-E, sub-§3-E is enacted to read:

3-E. Geothermal heat exchange well pump installer. "Geothermal heat exchange well pump installer" means a person who is engaged to work at and learn the trade of geothermal heat exchange well pump installation.

Sec. 4. 32 MRSA §4700-E, sub-§6, as amended by PL 2001, c. 209, Pt. B, §2, is further amended to read:

6. Pump or pump system. ~~"Pump"~~ For purposes of a water well, "pump" or "pump system" means mechanical equipment or a device used to remove water from a well including all piping and wiring up to the existing equipment in the structure. For the purposes of a geothermal heat exchange well, "pump" or "pump system" means the mechanical equipment or device used to move fluid from the geothermal heat exchange well, including all piping and wiring, up to the existing equipment in the structure.

Sec. 5. 32 MRSA §4700-E, sub-§11, as enacted by PL 2001, c. 209, Pt. B, §2, is amended to read:

11. Well drilling company. "Well drilling company" means a person, firm, partnership or corporation that owns or otherwise operates any mechanical equipment used to drill, drive or bore water wells or geothermal heat exchange wells.

Sec. 6. 32 MRSA §4700-F, sub-§1, as amended by PL 1993, c. 25, §6, is further amended to read: