

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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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

or any other lawful matter, with any other person, including, but not limited to, that forestry worker's employer or the employer's agent or employee; or

Sec. 8. 26 MRSA §645, as enacted by PL 2003, c. 616, §1, is amended to read:

§645. Waiver of rights prohibited

Any agreement by a forestry worker purporting to waive or modify any of the worker's rights under this subchapter is void as contrary to public policy.

Sec. 9. 26 MRSA §646, sub-§1, as enacted by PL 2003, c. 616, §1, is amended to read:

1. Joint and several liability. If more than one person or entity is an employer of the same forestry worker or group of workers, each such person or entity is jointly and severally liable for all violations of this subchapter.

Sec. 10. 26 MRSA §646, sub-§2, as enacted by PL 2003, c. 616, §1, is amended to read:

2. Enforcement by bureau. The bureau may inspect vehicles subject to this subchapter and used to transport forestry workers and may enforce compliance with this subchapter in accordance with this section.

A. A duly designated officer of the bureau may enter into any structure or upon any real property in or on which a vehicle subject to this subchapter and used to transport forestry workers is found in accordance with the process established in section 587 in order to determine compliance with this subchapter and any rules adopted to implement this subchapter.

B. Upon the written request of the bureau, the Department of Transportation and the Department of Public Safety shall provide any technical services that may be required by the bureau to assist with inspections and enforcement of this subchapter.

Sec. 11. 26 MRSA §872, sub-§1, as enacted by PL 2005, c. 461, §1, is amended to read:

1. Definition. For the purposes of this section, "bond worker" means a person who has been described under 8 United States Code, Section 1101(a)(15)(H)(ii)(b) and granted permission to work temporarily in the United States.

Sec. 12. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 26, chapter 7, subchapter 2-A, in the subchapter headnote, the words "employment standards in the forestry industry" are amended to read "employment standards in the forestry industry and farming" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 26, 2009.

CHAPTER 202

H.P. 563 - L.D. 827

An Act To Exempt Protection from Abuse Orders from the Notification and 30-day Waiting Period Requirements under the Uniform Enforcement of Foreign Judgments Act

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

Whereas, orders or judgments from other states must be filed in Maine to be upheld by law enforcement and Maine courts; and

Whereas, current Maine law requires the person filing a judgment from another state to pay the court fees, including registering, docketing, transcription and other enforcement fees; and

Whereas, the federal Violence Against Women Act prohibits the assessment of fees for such orders; and

Whereas, Maine law needs to be amended as soon as possible to comply with the federal law and to avoid jeopardizing certain federal funds that the State currently receives; 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. 14 MRSA §8004, sub-§4 is enacted to read:

4. Foreign protection orders. Subsections 2 and 3 do not apply if the foreign judgment is an order that qualifies as a protection order as defined by 18 United States Code, Section 2266 or is the equivalent of a protection from abuse order under Title 19-A, Part 4 or a protection from harassment order under Title 5, chapter 337-A.

Sec. 2. 14 MRSA §8006, as enacted by PL 1975, c. 335, is repealed and the following enacted in its place:

§8006. Fees

1. Filing a foreign judgment. Except as provided in subsection 2, a person filing a foreign judgment shall pay to the clerk of courts the fee then provided for the entry of an action. Fees for docketing, transcription or other enforcement proceedings are as provided for judgments of the District Court or Superior Court.

2. Exception. A fee may not be charged for the registration, docketing, transcription or other enforcement proceedings of a foreign judgment or order that qualifies as a protection order as defined by 18 United States Code, Section 2266 or is the equivalent of a protection from abuse order under Title 19-A, Part 4 or a protection from harassment order under Title 5, chapter 337-A.

Sec. 3. 19-A MRSA §1753, sub-§5, as enacted by PL 1999, c. 486, §3 and affected by §6, is amended to read:

5. Confidentiality. ~~If~~ Notwithstanding any other provision of law, if a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed and may not be disclosed to the other party or the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 26, 2009.

CHAPTER 203

H.P. 596 - L.D. 865

**An Act To Change the Maine
HIV Advisory Committee**

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

Sec. 1. 5 MRSA §19202, sub-§1-A, as enacted by PL 1999, c. 390, §2 and affected by §10, is repealed.

Sec. 2. 5 MRSA §19202, sub-§1-B is enacted to read:

1-B. Duties. The Maine HIV Advisory Committee, as established in section 12004-I, subsection 42

and referred to in this section as "the committee," on behalf of those individuals infected by, at risk for or affected by the human immunodeficiency virus, referred to in this section as "HIV," in the State, shall:

A. Advise the Office of the Governor and state, federal and private sector agencies, officials and committees on HIV-related and AIDS-related policy, planning, budget or rules;

B. Make an annual assessment of emerging HIV-related issues and trends;

C. Initiate and respond to legislation, both state and federal; and

D. Prepare and present, in person, an annual report on the status of HIV in the State to the Office of the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31st of each year.

Sec. 3. 5 MRSA §19202, sub-§2-A, as enacted by PL 1999, c. 390, §4 and affected by §10 and amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed.

Sec. 4. 5 MRSA §19202, sub-§2-B is enacted to read:

2-B. Membership. The committee consists of 19 members as provided in this subsection.

A. The committee includes 7 members as follows, of whom only the Legislators are voting members:

(1) Two members of the Legislature, one Senator nominated by the President of the Senate and one Representative nominated by the Speaker of the House of Representatives;

(2) The director of the HIV, STD and viral hepatitis program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention;

(3) A representative of the Department of Education, nominated by the Commissioner of Education;

(4) A representative of the Department of Corrections, nominated by the Commissioner of Corrections;

(5) A representative of the Department of Health and Human Services, Office of Substance Abuse, nominated by the Commissioner of Health and Human Services; and

(6) A representative of the Department of Health and Human Services, Office of MaineCare Services, nominated by the Commissioner of Health and Human Services.