

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

OTHER SPECIAL	\$68,835	\$92,142
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 233
S.P. 268 - L.D. 693

**An Act To Clarify the Status
and Benefits of Employees of
the Child Development
Services System**

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

Sec. 1. 5 MRSA §285, sub-§1, ¶F-7 is enacted to read:

F-7. Any employee of a regional site of the Child Development Services System under Title 20-A, section 7209, if the group health plan is agreed to in collective bargaining and funds are available.

See title page for effective date.

CHAPTER 234
H.P. 835 - L.D. 1210

**An Act Regarding Volunteer
Lobbyists**

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

Sec. 1. 3 MRSA §312-A, sub-§10, as repealed and replaced by PL 1993, c. 691, §5, is amended to read:

10. Lobbyist. "Lobbyist" means any person who is specifically employed by another person for the purpose of and who engages in lobbying in excess of 8 hours in any calendar month, or any individual who, as a regular employee of another person, expends an amount of time in excess of 8 hours in any calendar month in lobbying. "Lobbyist" does not include a lobbyist associate. "Lobbyist" does not include an individual who receives no compensation for lobbying other than reimbursement for lobbying-related travel within the State and reimbursement for other out-of-pocket expenditures made by the individual for printing, postage and food and lodging connected with lobbying activities paid for by the individual. For the purposes of this subsection, "reimbursement for other out-of-pocket expenditures" does not include reimbursement for the individual's time spent lobbying that

would have been otherwise compensated by an employer or in the course of the individual's employment.

See title page for effective date.

CHAPTER 235
H.P. 763 - L.D. 1108

**An Act To Amend the Statute
of Limitations under the Maine
Human Rights Act**

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

Sec. 1. 5 MRSA §4611, as amended by PL 1995, c. 393, §28, is further amended to read:

§4611. Complaint

Any person who believes that the person has been subject to unlawful discrimination, or any employee of the commission, may file a complaint under oath with the commission stating the facts concerning the alleged discrimination, ~~provided except that such complaints~~ a complaint must be filed with the commission not more than ~~6 months~~ 300 days after the alleged act of unlawful discrimination. In addition, any person may file a complaint pursuant to section 4632.

Sec. 2. 5 MRSA §4612, sub-§1, ¶B, as amended by PL 2007, c. 243, §6, is further amended to read:

B. The commission or its delegated commissioner or investigator shall conduct such preliminary investigation as it determines necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred. In conducting an investigation, the commission, or its designated representative, must have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy those materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The commission may issue subpoenas to compel access to or production of those materials or the appearance of those persons, subject to section 4566, subsections 4-A and 4-B, and may serve interrogatories on a respondent to the same extent as interrogatories served in aid of a civil action in the Superior Court. The commission may administer oaths. The complaint and evidence collected during the investigation of the complaint, other than data identifying persons not parties to the complaint, is a matter of public record at the conclusion of the investigation of the complaint prior to a determination by the commission. An investigation is concluded upon issuance of a let-

ter of dismissal or upon listing of the complaint on a published commission meeting agenda, whichever first occurs. Prior to the conclusion of an investigation, all information possessed by the commission relating to the investigation is confidential and may not be disclosed, except that the commission and its employees have discretion to disclose such information as is reasonably necessary to further the investigation. Notwithstanding any other provision of this section, the complaint and evidence collected during the investigation of the complaint may be used as evidence in any subsequent proceeding, civil or criminal. The commission must conclude an investigation under this paragraph within 2 years after the complaint is filed with the commission.

Sec. 3. 5 MRSA §4613, sub-§2, ¶C, as amended by PL 1975, c. 357, §2, is further amended to read:

C. The action ~~shall~~ must be commenced not more than either 2 years after the act of unlawful discrimination complained of or 90 days after any of the occurrences listed under section 4622, subsection 1, paragraphs A to D, whichever is later.

Sec. 4. 5 MRSA §4622, sub-§1, ¶C, as amended by PL 2003, c. 279, §2, is further amended to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 ~~and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C; or~~

See title page for effective date.

CHAPTER 236

S.P. 452 - L.D. 1219

**An Act To Correct Inequities
for Certain Maine Community
College System Employees in
the Maine Public Employees
Retirement System**

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

Whereas, it is necessary that this legislation be enacted as soon as possible in order to avoid undue financial hardship for the employees of the Maine Community College System who were denied group life insurance through the Maine Public Employees Retirement System; 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. 5 MRSA §18058, sub-§1, as amended by PL 1993, c. 386, §3, is further amended to read:

1. Employees automatically insured. ~~All~~ Except as provided in Title 20-A, section 12722, subsection 8, paragraph D, all employees eligible for basic insurance under this subchapter are automatically insured for the amounts of basic coverage applicable under this subchapter, beginning on the first day of the month following one month of employment after the employee becomes eligible. Each employee shall complete an application for insurance coverage within 31 days of becoming eligible.

A. The employee shall indicate the types of coverage elected.

B. If an application is completed in a timely manner, any coverage in addition to basic becomes effective on the first day of the month following one month of employment after the employee becomes eligible.

C. If an application is not completed within 31 days of the employee's first becoming eligible, the employee may subsequently apply for supplemental and dependent insurance but must produce evidence of insurability at the employee's own expense and in accordance with the requirements of the insurance underwriter.

Sec. 2. 5 MRSA §18058, sub-§2, as amended by PL 2007, c. 17, §1 and affected by §3, is further amended to read:

2. Employees not wanting to be insured. ~~Any~~ Except as provided in Title 20-A, section 12722, subsection 8, paragraph D, any employee not wanting to be insured under this subchapter, at the time the employee first becomes eligible, shall, on the application form, give written notice to the employee's employing officer and to the retirement system that the employee does not want to be insured.

A. If after being insured, the employee wishes to cancel or reduce coverage, written notice must be given by the employee to the employee's employing officer and to the retirement system.

B. The employee's insurance coverage must cease or be reduced at the end of the month in which the notice is received by the employing office.

C. Any employee who does not want to be insured or who cancels insurance coverage may