

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

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

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**Augusta, Maine**  
**2014**

**§561-A. General duties**

**1. Employer duties.** An employer has the following duties.

A. An employer shall furnish to each employee employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee.

B. An employer shall comply with occupational safety and health rules adopted under this chapter.

**2. Employee duties.** An employee shall comply with occupational safety and health rules and all rules adopted under this chapter that are applicable to the employee's own actions and conduct.

**Sec. 6. 26 MRSA §569**, as amended by PL 2013, c. 70, Pt. B, §4, is repealed and the following enacted in its place:

**§569. Rules**

The rules of the bureau must, at a minimum, conform to the standards of the federal Occupational Safety and Health Administration. If a rule adopted by the bureau conflicts with the rule of another state agency with regard to occupational safety and health standards, including conflicts of rules regarding employee health exposure, the bureau rule supersedes the other state agency rule.

**Sec. 7. 26 MRSA §570**, as enacted by PL 1979, c. 95, §3, is amended to read:

**§570. Discrimination**

~~No person shall~~ A person may not discharge or in any manner discriminate against an employee because that ~~person~~ employee has filed any complaint concerning ~~an alleged violation of~~ occupational safety or health standards hazard or has testified or is about to testify in any proceeding relating to employee safety and health or because of the exercise by the employee on behalf of ~~himself~~ the employee or others of any right ~~granted him by~~ under this chapter.

Any employee who believes that ~~he~~ the employee has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after the alleged violation occurs, file a complaint with the director, alleging discrimination. Upon receipt of the complaint, the director shall conduct an investigation as ~~he deems~~ the director determines is appropriate. If upon investigation the director determines that the provisions of this chapter have been violated, ~~he~~ the director shall bring an action in the Superior Court in the county in which the alleged violation occurred. In any action, the Superior Court ~~shall have~~ has jurisdiction, for cause shown, to restrain violations of this section and order all appropriate relief, including rehiring or reinstatement of the em-

ployee to ~~his~~ the employee's former position with back pay.

Within 90 days of the receipt of a complaint filed under this section, the director shall notify the complainant of ~~his~~ the director's determination.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF  
Regulation and Enforcement 0159**

Initiative: Allocates funds to conduct public sector enforcement and consultation services.

FEDERAL	2013-14	2014-15
<b>EXPENDITURES FUND</b>		
All Other	\$0	\$400,000
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FEDERAL EXPENDITURES	\$0	\$400,000
FUND TOTAL		

See title page for effective date.

**CHAPTER 474**

**S.P. 663 - L.D. 1668**

**An Act To Expedite Training  
Waiver Decisions for  
Unemployment Claimants by  
Transferring Original  
Jurisdiction from the  
Unemployment Insurance  
Commission to the Bureau of  
Unemployment Compensation**

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

**Whereas**, the number of applications for training waivers to the Maine Unemployment Insurance Commission has increased dramatically in 2013 because the only path for many citizens to receive their unemployment benefits requires their participation in commission-approved training; and

**Whereas**, the commission does not possess adequate staff to efficiently process both the training waiver case load and its normal case load despite the use of mechanisms such as overtime; and

**Whereas**, training waiver cases are inherently time-sensitive because claimants rely upon their unemployment benefits to pay for necessities of daily living, such as food, medicine and shelter, and failure

to quickly process training waiver cases can result in citizens' having inadequate funds for these critical items; and

**Whereas**, the backlog of training waiver cases has increased substantially since submission of this legislation; and

**Whereas**, if this legislation is not enacted as an emergency, the backlog of training waiver cases will increase and adversely affect even more unemployment claimants; 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 §1192, sub-§6**, as amended by PL 1991, c. 870, §3, is further amended to read:

**6. Approved training.** Notwithstanding any other provisions of this chapter, any otherwise eligible claimant in training, as approved for the claimant by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, may not be denied benefits for any week with respect to subsection 3, relating to availability and the work search requirement or the provisions of section 1193, subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible claimant. Benefits paid to any eligible claimant while in approved training, for which, except for this subsection, the claimant could be disqualified under section 1193, subsection 3, may not be charged against the experience rating record of any employer but must be charged to the General Fund. For purposes of this subsection, "the deputy" means a representative from the bureau designated by the commissioner.

**Sec. 2. 26 MRSA §1192, sub-§6-C**, as repealed and replaced by PL 1989, c. 502, Pt. A, §109, is amended to read:

**6-C. Prohibition against disqualification of individuals in approved training under section 1196.** Notwithstanding any other provision of this chapter, no otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, nor may that individual be denied benefits by reason of leaving work to enter that training, ~~provided that~~ as long as the work left is not suitable employment.

For purposes of this subsection, ~~the term~~ "suitable employment" means, with respect to an individual, work

of a substantially equal or higher skill level than the individual's past adversely affected employment, and "the deputy" means a representative from the bureau designated by the commissioner.

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

Effective March 10, 2014.

**CHAPTER 475**

**H.P. 1157 - L.D. 1586**

**An Act To Strengthen Enforcement Standards for Potatoes**

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

**Sec. 1. 7 MRSA §951-A, first ¶**, as amended by PL 1985, c. 184, is further amended to read:

~~No~~ A person may not plant seed potato potatoes in the State, the product of which is intended for sale, ~~may be planted in the State~~ in lots of one or more acres unless that seed is certified in accordance with rules adopted by the commissioner. These rules may include without limitation requirements for filing reports with the commissioner and requirements for filing records to the commissioner or ~~his~~ the commissioner's designee, upon request, ~~which that~~ which demonstrate that the potatoes ~~so~~ planted have been properly certified. A person, firm or corporation that plants potatoes in violation of this section ~~shall be~~ is subject to a ~~civil penalty fine~~ civil penalty of ~~not less than \$20 and \$1,000 plus not more than \$100~~ \$400 per acre for each acre or part of an acre planted ~~in violation of this section; provided that failure.~~ Failure to file complete and accurate reports or failure to provide complete and accurate records in accordance with the rules adopted by the commissioner ~~shall be~~ is an additional violation resulting in a separate ~~civil penalty fine~~ civil penalty of not less than \$200 nor more than \$1,000 for each such failure. Any ~~civil penalty fine~~ civil penalty collected under this section ~~shall be~~ is payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt and may amend rules consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, to implement this section. In addition to the enforcement powers and penalties established in this section, the commissioner may issue subpoenas to any individual in order to compel delivery of any reports or records ~~which are~~ which are required under this section. These subpoenas ~~shall be~~ are enforceable by any court of competent jurisdiction.