

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

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

**Augusta, Maine
2020**

Sec. 9. Effective date. This Act takes effect 180 days after adjournment of the First Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 545

S.P. 430 - L.D. 1386

An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects

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

Sec. 1. 26 MRSA §1308, sub-§1, as amended by PL 1997, c. 757, §7, is repealed and the following enacted in its place:

1. Determination of wage and benefits rates. The Bureau of Labor Standards shall investigate and determine the prevailing hourly wage and benefits rate paid in the construction industry in this State. To determine the prevailing hourly wage and benefits rate, the bureau shall:

A. Collect a set of data by conducting a survey of wages and benefits during the 2nd and 3rd week of July of each year; and

B. Collect a 2nd set of data through certified payroll submissions on state construction of public works during the 2nd and 3rd week of July of each year from any state agency that contracts for the construction of public works.

Survey data collected pursuant to paragraph A and certified payroll data collected pursuant to paragraph B must be submitted to the bureau by the 2nd week of October.

The bureau shall use the higher wage and benefits information of the 2 data sets collected pursuant to paragraphs A and B to determine the prevailing hourly wage and benefits rate. The bureau may also use wage and benefits information received from construction trade associations in its determination of prevailing rates. In determining the prevailing rate, the bureau may ascertain and consider the applicable wage and benefits rates established by collective bargaining agreements, if any, and those rates that are paid generally in the locality where the construction of the public works is to be performed.

For purposes of this subsection, "benefits" means health and welfare contributions, pension or individual retirement account contributions and vacation and annuity contributions, per diem in lieu of wages and any other form of payment, except for wages, made to or on behalf of the employee. If a defined contribution amount

is not established, the most accurate estimated value of contributions must be included.

Sec. 2. 26 MRSA §1308, sub-§1-A, as enacted by PL 1999, c. 181, §2, is amended to read:

1-A. Surveys. The director may require any person to provide information on the wages and benefits provided to that person's employees and such other information as is needed to determine the prevailing wage and benefits. The director may assess a ~~forfeiture fine~~ fine of up to ~~\$50~~ \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for any subsequent offense against any person who fails to provide the information as requested.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Safety Education and Training Programs 0161

Initiative: Allocates funds for the cost of one Statistician II position and related All Other costs for data collection and analysis necessary to determine the prevailing hourly wage and benefits rate paid in the construction industry in the State.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$43,932	\$73,150
All Other	\$8,485	\$10,167
OTHER SPECIAL REVENUE FUNDS TOTAL	\$52,417	\$83,317

See title page for effective date.

CHAPTER 546

H.P. 1014 - L.D. 1399

An Act To Improve Oral Health and Access to Dental Care for Maine Children

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

Sec. 1. Report on preventive oral health services. The Department of Health and Human Services shall report on the status of the preventive oral health services provided in schools through the Department of Health and Human Services, Maine Center for Disease Control and Prevention, rural health and primary care division's oral health program, including the number of schools and children served and the results of those services, which populations and geographic areas are not being covered by the services provided by the program and whether additional funding is needed. The department shall submit a report, including recom-

mendations for funding or improvements to the program and methods for utilization and maximization of Medicaid funding as permitted by federal law for oral health staff positions and school-based services, no later than February 15, 2020 to the joint standing committee of the Legislature having jurisdiction over oral health matters, which may report out legislation to the Second Regular Session of the 129th Legislature based on the report.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Office of MaineCare Services 0129

Initiative: Provides funding for one Comprehensive Health Planner I to be the Early Periodic Screening Diagnosis and Treatment Dental Coordinator in the Office of MaineCare Services.

GENERAL FUND	2019-20	2020-21
POSITIONS - LEGISLATIVE	1.000	1.000
COUNT		
Personal Services	\$19,889	\$20,589
All Other	\$1,599	\$1,599
GENERAL FUND TOTAL	\$21,488	\$22,188
FEDERAL EXPENDITURES	2019-20	2020-21
FUND		
Personal Services	\$59,669	\$61,766
All Other	\$4,798	\$4,798
FEDERAL EXPENDITURES	\$64,467	\$66,564
FUND TOTAL		

See title page for effective date.

CHAPTER 547

H.P. 1054 - L.D. 1442

**An Act To Provide for
Court-appointed Advocates for
Justice in Animal Cruelty
Cases**

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

Sec. 1. 7 MRSA §4016, sub-§1-A is enacted to read:

1-A. Separate advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be

appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

Sec. 2. 17 MRSA §1031, sub-§3-C is enacted to read:

3-C. Separate advocate. In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

A. The advocate may:

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.