

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
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**CHAPTER 285****AN ACT to Amend the Benefit Financing Provisions of the Employment Security Law.**

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

Whereas, this legislation is vitally necessary to prevent further financial hardship on employers and employees regulated under the Employment Security Law; and

Whereas, it has been necessary for the Unemployment Compensation Fund to be supplemented by loans from the Federal Government; and

Whereas, if this provision for additional contributions is not enacted, the State would not qualify for a deferral of federal unemployment tax credit for the year 1977 in accordance with Section 3302 (c) (3) of the Internal Revenue Code, as amended by Section 101 of P.L. 94-45; 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:*

26 MRSA § 1221, sub-§ 2, ¶ A is enacted to read:

A. Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay, in addition to his contribution rate as prescribed in subsection 4,  $\frac{3}{10}$  of 1% of the wages paid by him with respect to employment during the calendar year 1977.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 13, 1977

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**CHAPTER 286****AN ACT to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems**

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

Sec. 1. 22 MRSA § 42, sub-§ 3, 2nd ¶, last 2 sentences, as enacted by PL 1975, c. 762, § 1, are repealed and the following enacted in their place:

The rules and regulations adopted by the department shall provide with respect to the repair and replacement of any part or parts of existing subsurface sewage disposal systems serving family dwellings inhabited by no more than 2 individual families that the local plumbing inspector may waive the site evaluation requirements, provided that the waiver will not result in violations of other regulations or ordinances adopted pursuant to the Plumbing Code. He may not waive the site evaluation requirement for disposal systems within 100 feet of any pond or river subject to shoreland zoning laws.

Sec. 2. 30 MRSA § 3221, sub-§ 1, ¶ B, as enacted by PL 1975, c. 762, § 2, is repealed and the following enacted in its place:

B. The municipal officers of any municipality may provide by ordinance that the plumbing inspector may waive the site evaluation requirement as provided in Title 22, section 42, subsection 3. They shall notify the department in writing of the date of the adoption of the ordinance. Any person aggrieved by the granting of a waiver may appeal to the municipality and request a public hearing on the issue of whether or not the waiver shall be permitted.

Effective October 24, 1977

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## CHAPTER 287

### AN ACT Relating to Use of Criminal Records in Occupational Licensing.

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

Sec. 1. 5 MRSA § 5301, as enacted by PL 1975, c. 150, is repealed and the following enacted in its place:

#### § 5301. Eligibility for occupational license or permit

1. Effect of criminal history record information respecting certain convictions. Subject to subsection 2 and sections 5302 and 5303, in determining eligibility for the granting of any occupational license or permit issued by the State, the appropriate State licensing agency may take into consideration criminal history record information relating to certain convictions which have not been set aside or for which a full and free pardon has not been granted, but the existence of such information shall not operate as an automatic bar to being licensed or permitted to practice any trade or occupation.

2. Criminal history record information which may be considered. A licensing agency may use in connection with an application for an occupational license or permit criminal history record information pertaining to the following:

A. Convictions for which incarceration for less than one year may be imposed and which involve dishonesty or false statement;