

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

tion for injuries or death sustained by an employee during the time the employer was a participant in such the group self-insurance. The group self-insurer shall promptly notify the superintendent and the Workers' Compensation Commission, on a prescribed form, of the addition of any participating employer or employers. The approval of the Superintendent of Insurance shall not be necessary in order to add participating employers to the group self-insurer. Notice of termination of a participating employer shall not be effective until at least 10 days after notice of such that termination, on a prescribed form, has been either filed in the office of the superintendent and the Workers' Compensation Commission or sent by registered mail, and also served in like manner upon the other participating employers. The group self-insurer shall give notice of the termination of any participating member to all other participating members at least quarterly each year. Written notice shall be given to any new participating member at the time of admission that the specific membership of the group and its members as prescribed in this section shall not be affected by the group's failure to provide its members with prior or immediate notice of changes in the membership of the group if notice is given at least quarterly, provided that the termination or admission of members was effected in compliance with all group agreements and bylaws and in compliance with this section and the rules adopted thereunder.

Effective September 23, 1983.

CHAPTER 304

H.P. 894 - L.D. 1159

AN ACT to Improve the Price and
Availability of Radio Paging Services.

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

Whereas, radio paging services are of great benefit to the public health and welfare by enabling one-way communication to be made to individuals who cannot be reached by normal commercial telephone communication; and

Whereas, the regulation of radio paging services

by the Public Utilities Commission discourages entry into the radio paging services business which unnecessarily restricts consumer choice of those services and results in higher prices to consumers of those services; and

Whereas, the regulatory jurisdiction of the Public Utilities Commission should be removed immediately by clarifying the intent of the Legislature that radio paging services are not intended to be subject to that jurisdiction and that consumers should be allowed immediate, unrestricted access to radio paging services; 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. 35 MRSA §15, sub-§13, as amended by PL 1981, c. 469, §6, is further amended to read:

13. Public utility. "Public utility" includes every gas company, natural gas pipeline company, electrical company, telephone company, telegraph company, water company, public heating company, wharfinger and warehouseman, as those terms are defined in this section, and each thereof is declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to chapters 1 to 17. "Public utility" does not include the operation of a radio paging service as that term is defined in this section. Nothing in this subsection precludes the jurisdiction, control and regulation by the commission pursuant to private and special Act of the Legislature.

Sec. 2. 35 MRSA §15, sub-§13-A is enacted to read:

13-A. Radio paging service. "Radio paging service" is a service provided by a communication common carrier engaged in rendering signaling communications. Signaling communication is one-way communication from a base station to a mobile or fixed receiver, or to multipoint mobile or fixed receivers by audible or subaudible means, for the purpose of activating a signaling device in the receiver or communicating information to the receiver, whether or

not the information is to be retained in record form. It is limited to the following types of communications.

A. An optical readout paging service consists of a communication of a message to a receiver which displays the message on an optical or tactile readout, either in a permanent form or a temporary form.

B. A tone only paging service is designed to activate an aural, visual or tactile signaling device when received.

C. A tone/voice paging service is one on which a tone is transmitted to activate a signaling device and audio circuit in the addressed receiver, following which a voice-grade signal is transmitted, to be amplified by the audio circuitry.

Any public utility which operates a radio paging service shall either maintain a separate set of accounting records with respect to that service or establish a separate subsidiary, the creation of which shall be subject to commission approval and conditions under section 104, subsection 3-A. The commissioner may exempt a public utility from this requirement for good cause shown.

Sec. 3. 35 MRSA §2301, first ¶, as amended by PL 1971, c. 439, §19, is further amended to read:

Corporations for the operation of telegraphs or telephones, and corporations for the operation of both telegraphs and telephones, and corporations for the purpose of making, generating, selling, distributing and supplying gas or electricity, or both, for lighting, heating, manufacturing or mechanical purposes, in any city or town, or 2 or more adjoining cities or towns, within the State, or for either or any of ~~such~~ those purposes, may be organized under Title 13-A. No corporation for either or any of ~~such~~ those purposes, whether organized or authorized to do business under this section or by special Act of the Legislature, or any person, association or cooperative organized under chapters 221 to 227 ~~shall~~ may have authority without the consent of the Public Utilities Commission to furnish its service in or to any city or town in or to which another corporation, person, association or cooperative is furnishing or is authorized to furnish a similar service. No consent from ~~said~~ that commission ~~shall~~ may be required for any corporation, person, association or cooperative to furnish service in any city or town in which ~~such~~ that corporation, person, association or

cooperative is furnishing service on October 8, 1967. No consent may be required for the operation of a radio paging service. Any corporation authorized to make, generate, sell, distribute and supply electricity may sell and distribute electricity to any other corporation similarly authorized.

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

Effective May 18, 1983.

CHAPTER 305

S.P. 497 - L.D. 1503

AN ACT to Clarify, Simplify and Improve
Certain Sections of the Labor Laws of Maine.

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

Sec. 1. 26 MRSA §1051, sub-§5, as amended by PL 1981, c. 327, is further amended to read:

5. Refusal to repay erroneous payments; waiver of repayment. If, after due notice, any person refuses to repay amounts erroneously paid to him as unemployment benefits, the amounts due from that person shall be collectible in the manner provided in subsection 6 or in the discretion of the commission the amount erroneously paid to such person may be deducted from any future benefits payable to him under this chapter. ~~Provided~~; provided that there shall be no recovery of payments from any person who, in the judgment of at least 2 ~~commissioners~~ commission members, is without fault on his part and where, in the judgment of the commission, such recovery would defeat the purpose of benefits otherwise authorized or would be against equity and good conscience. No recovery may be attempted until the determination of an erroneous payment is final as to law and fact and the individual has been notified of the opportunity for a waiver under this subsection.

Sec. 2. 26 MRSA §1191, sub-§2, as amended by PL 1981, c. 342, §1, is further amended to read:

2. Weekly benefit amount for total unemployment. Each eligible individual establishing a benefit year on and after January 1, 1972, who is totally unemployed in any week shall be paid with respect to such