

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

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November 28, 1995 to December 1, 1995

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

J.S. McCarthy Company
Augusta, Maine
1995

approval from the superintendent before implementing these programs.

See title page for effective date.

CHAPTER 552

H.P. 1209 - L.D. 1659

An Act to Allow Municipalities and Regions to Include Beneficial Use of Waste Originated in Their Jurisdiction As Credit in Demonstrating Recycling Progress

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

Sec. 1. 38 MRSA §2132, sub-§3, as amended by PL 1995, c. 23, §1, is further amended to read:

3. Beneficial use of waste. The use of waste paper, waste plastics, waste wood, including wood from demolition debris, used motor vehicle tires or corrugated cardboard as a fuel in industrial boilers or waste-to-energy facilities for the generation of heat, steam or electricity constitutes recycling only for the ~~sole purpose~~ purposes of determining whether the goals in subsection 1 are met ~~and if the wastes would otherwise be placed in or stockpiled at a landfill and for determining municipal progress as provided in section 2133.~~ In order for the use of waste under this subsection to constitute recycling, the office ~~determines~~ must determine that there is no reasonably available market in the State for recycling that waste and ~~if the wastes are~~ must be incinerated as a substitute for, or supplement to, fossil or biomass fuels ~~that constitute the primary fuels~~ incinerated in the industrial boiler or waste-to-energy facility.

See title page for effective date.

CHAPTER 553

H.P. 1215 - L.D. 1665

An Act to Amend the Maine Insurance Code with Respect to Domestic Violence

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

Sec. 1. 24-A MRSA §2159-B is enacted to read:

§2159-B. Discrimination against victims of domestic abuse prohibited

An insurer, nonprofit hospital and medical service organization or health maintenance organization that issues life, health or disability coverage may not deny, cancel, refuse to renew or restrict coverage of any person or require the payment of additional charges based solely on the fact or perception that the person is, or may become, the victim of domestic abuse, under Title 19, section 762. This section does not prohibit applying an underwriting or rating criterion to a victim of domestic abuse based on physical or mental history or other factors of general applicability regardless of the underlying cause and in accordance with the requirements of section 2159, subsections 1 and 2. An insurer, nonprofit hospital and medical service organization or health maintenance organization may not be held criminally or civilly liable for any cause of action that may result from compliance with this section. This section does not prohibit an insurer from declining to issue coverage to an applicant known to be, or to have been, an abuser of the proposed insured.

See title page for effective date.

CHAPTER 554

S.P. 639 - L.D. 1674

An Act to Allow Voluntary Withholding of Federal and State Income Taxes from Unemployment Compensation Benefits

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

Sec. 1. 26 MRSA §1191, sub-§9 is enacted to read:

9. Voluntary withholding of income tax. Individuals must be notified that federal, state and local income tax may be withheld from payments made on or after January 1, 1997 as follows.

A. An individual filing a new claim for unemployment compensation must be advised at the time of filing the claim, that:

- (1) Unemployment compensation is subject to federal and state income taxes;
- (2) Requirements exist pertaining to estimated tax payments;
- (3) The individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code;

(4) Notwithstanding the requirements of Title 36, section 5255-B, the individual may elect to have state income tax deducted and withheld from the individual's payment of unemployment compensation at the rate of 5%; and

(5) The individual must be permitted to change a previously elected withholding status.

B. Amounts deducted and withheld from unemployment compensation remain in the unemployment compensation fund until transferred to the federal or state taxing authority as a payment of income tax.

C. The commissioner shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

D. Amounts may be deducted and withheld under this subsection only after amounts are deducted and withheld for any overpayments, child support obligations, food stamp overissues or any other amounts required to be deducted and withheld under this chapter.

For purposes of this subsection, the term "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the commissioner pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

See title page for effective date.

CHAPTER 555

H.P. 1229 - L.D. 1682

An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police

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

Sec. 1. 6 MRSA §303, as amended by PL 1995, c. 504, Pt. B, §6, is further amended to read:

§303. Air search procedures

1. Agreements. The ~~commissioner~~ Chief of the State Police may establish agreements with public or

private agencies or organizations to assist in air search operations.

2. Situations covered. The ~~commissioner~~ Chief of the State Police shall establish and maintain a state air search and rescue plan for the immediate handling of the following emergency situations arising from aeronautical activities:

A. Locating aircraft believed lost and down within the State; and

B. Locating persons who are believed lost and down in the State as a result of accidents involving aircraft overflying the State or parachute jumps.

For purposes of this section, the phrases "within the State" and "in the State" include the coastal waters of the State as defined in Title 12, section 6001.

3. Plan of action. The state air search and rescue plan ~~shall~~ must provide a plan of action for search and rescue ~~which that~~ will mobilize all state ~~and federal~~ agencies ~~which that~~ can contribute in those emergencies and inform all ~~State~~ state and federal agencies ~~which that~~ request to be informed of any air search operation, in accordance with agreements reached in advance ~~and which relies upon~~. The plan may include utilization of the Maine Wing Civil Air Patrol to coordinate and control specific air search operations. The plan shall must provide that its first objective shall be is saving human life and rendering prompt aid to survivors.

4. Authority. The ~~commissioner~~ Chief of the State Police is responsible for the execution and overall coordination of air search and rescue efforts initiated in support of the air search and rescue plan by the Maine Wing Civil Air Patrol and those state and federal agencies which that are designated in the plan to play ~~an assisting~~ a role in emergencies.

~~A-1. The Chief of the State Police may delegate authority for overall coordination of air search and rescue efforts to a commissioned officer within the Bureau of State Police.~~

~~B. The Director of the Division of Aeronautics shall communicate and coordinate directly with the Air Search Mission Coordinator, an official of the Maine Wing Civil Air Patrol, who is involved in coordinating and controlling the specific air search operations conducted under the air search and rescue plan.~~

~~C. The Director of the Division of Aeronautics shall communicate and coordinate with state agencies who have agreed to offer mutual support in implementing the cooperative action plan for air search and rescue, when the~~