

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

with the Secretary of State. A like copy shall ~~must~~ be furnished to the director, who shall attend to the posting and publication of the proclamation. ~~All~~ The expense ~~thereof of posting and publication~~ and all the expense of enforcing the proclamation ~~shall be~~ are paid by the director, after allowance by the State Controller, from the appropriation for general forestry purposes.

§9003. Repeal; amend

If, after issuing the proclamation provided for in section 9001, by reason of rains or otherwise the Governor is satisfied that the occasion for the issuance of the proclamation has passed, ~~he~~ the Governor may ~~amend, repeal and replace~~ it by another proclamation affecting the sections covered by the original proclamation, or any part ~~thereof of the original proclamation, which and that new~~ proclamation shall ~~must~~ be published and posted in the same manner as provided for the issuance of the original proclamation.

Sec. 5. 12 MRSA §9004, as enacted by PL 1979, c. 545, §3, is repealed and the following enacted in its place:

§9004. Penalty

1. Violation of proclamation. Notwithstanding section 9701, any person who in fact violates the provisions of a proclamation issued under section 9001 commits a Class E crime.

2. Violation at licensed camping facility. Notwithstanding subsection 1 and section 9701, a person who is an occupant or customer of a licensed camping facility commits a Class E crime if that person:

A. Is notified of a proclamation in accordance with section 9001-B, subsection 6 and violates a proclamation issued under section 9001.

3. Violation at exempt licensed camping facility. Notwithstanding subsection 1 and section 9701, a person who is an occupant or customer of a licensed camping facility provided an exemption under section 9001-B, subsection 3 commits a Class E crime if that person:

A. Is notified of an exemption and standard of use in accordance with section 9001-B, subsection 6 and burns an out-of-door fire or utilizes a charcoal or gas grill in violation of a rule adopted under section 9001-B, subsection 4.

4. Violation by owner or operator of licensed camping facility. Notwithstanding section 9701, an owner or operator of a licensed camping facility commits a Class E crime if the owner or operator:

A. Fails to notify a person in accordance with section 9001-B, subsection 6;

B. Allows a person to violate a proclamation issued under section 9001; or

C. Operates a facility that is exempt pursuant to 9001-B that does not comply with rules adopted under section 9001-B, subsection 4.

See title page for effective date.

CHAPTER 587

S.P. 696 - L.D. 1770

**An Act to Exempt Certain
Individuals from Unemployment
Insurance Requirements**

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

Whereas, under federal law, certain individuals engaged in fishing activities are exempt from unemployment insurance requirements; and

Whereas, Maine's Department of Labor recently determined that a clam digger is an employee and that the clam digger's employer is required to pay unemployment insurance; and

Whereas, Maine's Department of Labor has indicated that other types of individuals engaged as licensed Maine guides also are subject to unemployment insurance requirements; and

Whereas, requiring the payment of unemployment insurance on clam diggers and Maine guides when the individuals consider themselves independent contractors and when federal law provides an exemption may have a deleterious impact on the economic competitiveness of certain businesses in Maine; 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 §1043, sub-§11, ¶F, as amended by PL 1995, c. 204, §§1 and 2, is further amended by amending subparagraphs (32), (36) and (37) to read:

(32) After December 31, 1981, services performed by an individual on a boat engaged in catching fish or other forms of aquatic animal life, unless those services would be included in the definition of "employment" for federal unemployment tax purposes under the Federal Unemployment Act, United States Code, Title 26, Section 3306(c), as it may be amended, Also included in this exemption are services performed in harvesting shellfish for depuration from designated areas as authorized by Title 12, section 6856;

(36) Service performed by a full-time student, as defined in subsection 30, in the employ of an organized camp if the full-time student performed services in the employ of the camp for less than 13 calendar weeks in the calendar year and the camp:

(a) Did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or

(b) Had average gross receipts for any 6 months in the preceding calendar year that were not more than 33 1/3% of its average gross receipts for the other 6 months in the preceding calendar year; ~~and~~

(37) Services performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax-; and

Sec. 2. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1995, c. 204, §§1 and 2, is further amended by enacting subparagraph (38) to read:

(38) Services performed by a person licensed as a guide as required by Title 12, section 7311, as long as that employment is not subject to federal unemployment tax.

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

Effective April 1, 1996.

CHAPTER 588

S.P. 720 - L.D. 1824

An Act Relating to Solid Waste Management

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

Sec. 1. 38 MRSA §1310-X, sub-§4, as amended by PL 1993, c. 355, §52, is repealed and the following enacted in its place:

4. Exemption. The following are exempt from the provisions of this section:

A. A commercial biomedical waste disposal or treatment facility, if at least 51% of the facility is owned by a hospital or hospitals as defined in Title 22, section 382, subsection 7, or an affiliated interest or interests as defined in Title 22, section 396-L, subsection 1, paragraph A; and

B. Expansion of a commercial solid waste disposal facility, if the expansion will not result in an increase in the facility's disposal capacity and the expansion will not be used for solid waste disposal.

Sec. 2. 38 MRSA §2122, sub-§2, as repealed and replaced by PL 1995, c. 465, Pt. A, §34 and affected by Pt. C, §2, is amended to read:

2. Revisions. The office shall revise the analysis ~~at least~~ by January 1, 1998 and every 2 ½ years after that time to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the office finds appropriate.

Sec. 3. 38 MRSA §2123-B is enacted to read:

§2123-B. Review of policy

In conjunction with revisions of the plan every 5 years, the office shall establish a broad-based task force, including Legislators from the joint standing committee of the Legislature having jurisdiction over natural resource matters and representatives of groups interested in commercial landfill policy. The task force shall review state policy regarding the development of commercial solid waste disposal facilities and shall report its findings and recommendations to the Governor, the department and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

Sec. 4. 38 MRSA §2124-A is enacted to read:

§2124-A. Solid waste generation and disposal capacity report

By January 1, 1997 and every 2 years thereafter, the office shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resource matters setting forth information on statewide generation of solid waste, statewide