

MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
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2. A true copy of said statement is delivered to the employee by certified mail;
3. The employee has been previously advised in writing:
 - A. That the statement may be used against him;
 - B. That the employer (insurance carrier) may have pecuniary interest adverse to the employee;
 - C. The employee may consult with counsel prior to making any statements;
 - D. The employee may decline to make any statement;
 - E. The employer may not discriminate against him in any manner for refusing to make such a statement or exercising in any way his rights under this Title.

This section shall not apply to agreements for the payment of compensation made pursuant to the Workmen's Compensation Act or to the admissibility of statements to show compliance with the notice requirements of sections 63 and 64.

Effective October 3, 1973

CHAPTER 555

AN ACT to Amend the Employment Security Law.

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

Sec. 1. R. S., T. 26, § 111, amended. Section 111 of Title 26 of the Revised Statutes, as repealed and replaced by section 2 of chapter 149 of the public laws of 1969 and as amended by section 13 of chapter 620 of the public laws of 1971, is further amended by adding at the end a new paragraph to read as follows:

Any individually owned business in this State manufacturing cushions as described in section 81, subsection 3 and whose gross income from the sale of these products is under \$1,500 per year, shall register with the bureau on forms provided by the bureau, that set forth those items covered in this section. A fee of \$5 shall accompany each registration. This registration shall be valid for a period of one year and the individuals will be subject to all other requirements of this chapter.

Sec. 2. R. S., T. 26, § 131, amended. Section 131 of Title 26 of the Revised Statutes, as enacted by section 3 of chapter 106 of the public laws of 1965 and as amended, is further amended by adding at the end a new paragraph to read as follows:

Any individually owned business in this State manufacturing the type of stuffed toys described in section 122, subsection 5 and whose gross income from the sale of these products is under \$1,500 per year, shall register with the bureau on forms provided by the bureau that set forth those items covered in this section. A fee of \$5 shall accompany each registration. This registration shall be valid for a period of one year and the individuals will be subject to all other requirements of this chapter.

Sec. 3. R. S., T. 26, § 1043, sub-§ 1, amended. The last sentence of the first paragraph and the last paragraph of subsection 1 of section 1043 of Title 26 of the Revised Statutes, as repealed and replaced by section 1 of chapter 538 of the public laws of 1971, are amended to read as follows:

Services performed for an operator or group of operators of a farm in connection with processing or packing ~~transportation, or marketing~~ of the produce of such farm does not constitute "agricultural labor," unless more than $\frac{1}{2}$ of the product is produced by the operator or group of operators for which the services were performed.

This subsection shall not be deemed to be applicable with respect to service performed in connection with commercial canning or freezing of an agricultural product; ~~or the commercial~~ hatching or processing of poultry, transportation of poultry; grading of eggs or packing of eggs, transportation of eggs; the processing of any meat product or the transportation of any meat product.

Agricultural labor includes services performed on a family-type farm with not over 100,000 laying birds.

Sec. 4. R. S., T. 26, § 1043, sub-§ 3, amended. Subsection 3 of section 1043 of Title 26 of the Revised Statutes, as repealed and replaced by section 1 of chapter 381 of the public laws of 1965, is amended to read as follows:

3. **Base period.** "Base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the first day of an individual's benefit year; provided that if the first quarter of the last 5 completed calendar quarters was included in the base period applicable to any individual's previous benefit year, his base period shall be the last 4 completed calendar quarters. In the case of a combined-wage claim pursuant to the arrangement approved by the secretary in accordance with section 1082, subsection 12, the base period shall be that applicable under the unemployment compensation law of the paying state.

Sec. 5. R. S., T. 26, § 1043, sub-§ 5, amended. Subsection 5 of section 1043 of Title 26 of the Revised Statutes, as repealed and replaced by section 2 of chapter 381 of the public laws of 1965, is amended by adding at the end the following blocked paragraph:

In the case of a combined-wage claim pursuant to the arrangement approved by the secretary in accordance with section 1082, subsection 12, the benefit year shall be that applicable under the unemployment compensation law of the paying state.

Sec. 6. R. S., T. 26, § 1043, sub-§ 8, repealed and replaced. Subsection 8 of section 1043 of Title 26 of the Revised Statutes is repealed and the following enacted in place thereof:

8. Money payments to the State Unemployment Compensation Fund.

A. "Contributions" means the money payments required by this chapter to be made into the fund by an employer on account of having individuals performing services for him.

B. "Payments in lieu of contributions" means the money payments made into the fund by an employer pursuant to section 1221, subsections 11 and 13.

Sec. 7. R. S., T. 26, § 1043, sub-§ 11, ¶ A-1, sub-¶¶ (1) and (3), amended. Subparagraphs (1) and (3) of paragraph A-1 of subsection 11 of section 1043 of Title 26 of the Revised Statutes, as enacted by section 8 of chapter 538 of the public laws of 1971, are amended to read as follows:

(1) Notwithstanding paragraph F, except as herein provided, service performed by an individual in the employ of this State or any of its instrumentalities, or in the employ of this State and one or more states or their instrumentalities, for a hospital or institution of higher education located in this State, provided that such service is excluded from employment as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (7) of that Act and is not excluded under paragraph F, ~~subparagraphs~~ subparagraph (21) ~~to (28)~~, divisions (a) through (h);

(3) Notwithstanding paragraph F, except as herein provided, service performed in the employ of a religious, charitable, educational or other organization which is excluded from the term employment as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (8) of that Act; and the organization had 4 or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time; and such services are not excluded under paragraph F, ~~subparagraphs~~ subparagraph (21) ~~to (28)~~, divisions (a) through (h);

Sec. 8. R. S., T. 26, § 1043, sub-§ 11, ¶ F, sub-¶¶ (21) to (28), repealed and replaced. Subparagraphs (21) to (28) of paragraph F of subsection 11 of section 1043 of Title 26 of the Revised Statutes, as enacted by section 12 of chapter 539 of the public laws of 1971, are repealed and the following enacted in place thereof:

(21) Service performed in the employ of any organization which is excluded from the term "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (7) or (8) if:

(a) Service performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(b) Service performed by a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(c) Service performed in the employ of a school primarily operated as an elementary, secondary or preparatory school for higher education, which is not an institution of higher education;

(d) Service performed in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work;

(e) Service performed as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof by an individual receiving such work-relief or work-training;

(f) Service performed in the employ of a hospital as defined in subsection 26 by a patient of such hospital;

(g) Service performed for a hospital in a state prison or other state correctional institution by an inmate of such prison or correctional institution;

(h) Service performed in the employ of a school, college or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university.

Sec. 9. R. S., T. 26, § 1043, sub-§ 14, amended. Subsection 14 of section 1043 of Title 26 of the Revised Statutes is amended to read as follows:

14. Fund. "Fund" means the Unemployment Compensation Fund to which all contributions and payments in lieu of contributions required and from which all benefits provided under this chapter shall be paid.

Sec. 10. R. S., T. 26, § 1043, sub-§ 17, ¶ B, amended. Paragraph B of subsection 17 of section 1043 of Title 26 of the Revised Statutes, as last repealed and replaced by section 1 of chapter 457 of the public laws of 1965, is amended to read as follows:

B. An individual shall be deemed "partially unemployed" in any week of less than full-time work if his wages payable from any source for such week are not \$5 or more in excess of the weekly benefit amount he would be entitled to receive if totally unemployed and eligible, except that remuneration payable or received as holiday pay shall not be deemed wages for the purpose of this subsection and except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances, or any amounts received by as a volunteer fireman or fireman, shall not be deemed wages for the purpose of this subsection.

Sec. 11. R. S., T. 26, § 1043, sub-§ 18, amended. Subsection 18 of section 1043 of Title 26 of the Revised Statutes is amended to read as follows:

18. **Unpaid wages.** "Unpaid wages" means wages earned by an employee for employment from employers which remain unpaid because the assets of the employer for whom such employment was rendered are in the custody or control of an assignee for the benefit of creditors, receiver, trustee or any other fiduciary appointed by or under the control of a court of competent jurisdiction and shall, for all the purposes of this chapter, be deemed to be and shall be treated as though such wages had been paid to such employee during the calendar ~~year~~ quarter within which such wages were earned.

Sec. 12. R. S., T. 26, § 1141, sub-§ 1, amended. Subsection 1 of section 1141 of Title 26 of the Revised Statutes is amended to read as follows:

1. **Contributions.** All contributions and payments in lieu of contributions collected under this chapter;

Sec. 13. R. S., T. 26, § 1192, sub-§ 2, amended. The first sentence of subsection 2 of section 1192 of Title 26 of the Revised Statutes is amended to read as follows:

He has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the commission may prescribe, except that the commission may, by regulation, waive or alter either or both of the requirements of this subsection as to ~~those individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds~~ eligible for benefits pursuant to section 1191, subsection 3 of this chapter if it is found that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this chapter.

Sec. 14. R. S., T. 26, § 1193, sub-§§ 3 and 6, amended. Subsection 3, as amended, and subsection 6 of section 1193 of Title 26 of the Revised Statutes are amended to read as follows:

3. **Refused to accept work.** For the duration of his unemployment subsequent to his having refused to accept an offer of suitable work for which he is reasonably fitted, or having refused to accept a referral to a suitable job opportunity when directed to do so by a local employment office of this State or another state or if an employer is unable to contact a former employee at last known or given address, for the purpose of recall to suitable employment; or the individual fails to respond to a request to report to the local office for the purpose of a referral to a suitable job, and the disqualification shall continue until claimant has earned 8 times his weekly benefit amount; except, that, if the commission determines that refusal has occurred for cause of necessitous and compelling nature, the individual shall be ineligible for the week in which the refusal occurred and while such inability or unavailability continues.

6. **Has falsified.** For any week for which the deputy finds that the claimant made a false statement or representation knowing it to be false or knowingly fails to disclose a material fact in his application to obtain benefits, and ~~the disqualification shall continue until claimant shall have earned not less than \$400 thereafter in subsequent employment~~ In addition, if the deputy finds that the claimant did in fact knowingly accept benefits to which he was

~~not entitled, he shall find~~ the claimant shall be ineligible to receive any benefits for a ~~further~~ period of not less than ~~3~~ 6 months nor more than one year from the mailing date of the determination;

Sec. 15. R. S., T. 26, § 1221, sub-§ 1, ¶ A, amended. The first sentence of paragraph A of subsection 1 of section 1221 of Title 26 of the Revised Statutes is amended to read as follows:

Contributions shall accrue and become payable by each employer subject to this chapter, other than those liable for payments in lieu of contributions, for each calendar year in which he is subject to this chapter, with respect to wages for employment, as defined in section 1043, subsection 11.

Sec. 16. R. S., T. 26, § 1221, sub-§ 2, amended. Subsection 2 of section 1221 of Title 26 of the Revised Statutes is amended to read as follows:

2. Rate of contribution. Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay contributions at the rate of 2.7% of the wages paid by him with respect to employment during each calendar year, except as otherwise prescribed in subsection 4.

Sec. 17. R. S., T. 26, § 1221, sub-§ 3, ¶ A, sub-¶ (3), amended. Subparagraph (3) of paragraph A of subsection 3 of section 1221 of Title 26 of the Revised Statutes is amended to read as follows:

(3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection ~~2~~ 11, paragraphs B and C; or

Sec. 18. R. S., T. 26, § 1221, sub-§ 10, ¶ F, additional. Subsection 10 of section 1221 of Title 26 of the Revised Statutes, as enacted by section 41 of chapter 538 of the public laws of 1971, and as amended, is further amended by adding a new paragraph F to read as follows:

F. Any nonprofit organization, which has been liable for payments in lieu of contributions whose election to make payments in lieu of contributions terminates under paragraphs A or C, shall pay contributions at the standard rate of 2.7% until such time as his experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to such year, and for rate years thereafter his contribution rate shall be determined in accordance with subsections 3 and 4.

Sec. 19. R. S., T. 26, § 1221, sub-§ 11, ¶ G, additional. Subsection 11 of section 1221 of Title 26 of the Revised Statutes, as enacted by section 42 of chapter 538 of the public laws of 1971, is amended by adding a new paragraph G to read as follows:

G. Refunds of payments in lieu of contributions or interest thereon shall be subject to the same provision that, pursuant to section 1223, subsection 5, applies to refunds of contributions or interest thereon.

Sec. 20. R. S., T. 26, § 1223, sub-§ 1, amended. The first sentence of subsection 1 of section 1223 of Title 26 of the Revised Statutes is amended to read as follows:

Contributions, unpaid on the date on which they are due and payable as prescribed by the commission, shall bear interest at the rate of $\frac{1}{2}$ ~~of~~ 1% per month from and after such date until payment is received by the commission.

Sec. 21. Effective date. Section 11 of this Act shall become effective on January 1, 1974.

Effective October 3, 1973

CHAPTER 556

AN ACT Equalizing the Financial Support of School Units.

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

Sec. 1. R. S., T. 20, c. 510, additional. Title 20 of the Revised Statutes is amended by adding a new chapter 510 to read as follows:

CHAPTER 510

FUNDING OF PUBLIC SCHOOLS

§ 3711. Intent

It is declared to be the intent of the Legislature to reduce the burden of education program costs in public schools which are borne by the property tax to 40% and to provide 60% of the total cost of education from state tax sources. The Legislature intends to implement the program over a 3-year period—50% State, 50% local in 1974-75 and thereafter. It is further declared to be the intent of the Legislature to finance the 40% property tax share through a uniform property tax rate applied to all administrative units alike. The uniform property tax as described in sections 451 and 453 of Title 36 shall be implemented during the same 3-year period to minimize the impact on local property taxes in any one year. The Legislature intends that a limit be placed upon additional local taxes that may be imposed on property for school purposes, thus encouraging more efficient management of the available resources.

§ 3712. Definitions

The following definitions shall apply to state and administrative units' computations under this chapter.

1. Operating costs. Elementary or secondary operating costs shall include all costs, except transportation, community services, capital outlay and debt service, reduced by tuition receipts, expenditures from all federal revenue sources and expenditures for special and vocational education programs as defined in subsection 4.