

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

---

PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

tion 3, shall be allowed to continue in operation, out of compliance with the applicable law, until July 1, 1977.

Effective July 29, 1976

---

---

## CHAPTER 710

### AN ACT to Amend the Employment Security Law.

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

Sec. 1. 26 MRSA § 1043, sub-§ 24, as enacted by PL 1965, c. 381, § 6, is repealed and the following enacted in place thereof:

24. Insured worker. An "insured worker" is an individual who has been paid wages of at least \$250 for insured work in each of 2 different quarters in his base period and has been paid total wages of at least \$900 in his base period for insured work.

Sec. 1-A. 26 MRSA § 1191, sub-§ 3, as last repealed and replaced by PL 1965, c. 457, § 2, is amended to read:

3. Weekly benefit for partial unemployment. On and after April 1, 1966, each eligible individual who is partially unemployed in any week shall be paid with respect to such week a partial benefit in an amount equal to his weekly benefit amount less that part of his earnings paid or payable to him with respect to such week which is in excess of \$10 plus any fraction of a dollar, 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 volunteer firemen or by elected Members of the Legislature, shall not be deemed wages for the purpose of this subsection.

Sec. 2. 26 MRSA § 1194, sub-§ 2, last 2 paragraphs, as enacted by PL 1975, c. 227, are repealed and the following enacted in place thereof:

If an employer's separation report for an employee is not received by the office specified thereon within 10 days after such report was requested, the claim shall be adjudicated on the basis of information at hand. If the employer's separation report containing possible disqualifying information is received after that 10-day period and the claimant is denied benefits, benefits paid prior to the date such separation report was received shall not constitute an overpayment of benefits. Any benefits paid after the date such separation report was received shall constitute an overpayment.

If an employer files an amended separation report or otherwise raises a new issue as to the employee's eligibility or changes the wages or weeks used in determining benefits which results in a denial of benefits or a reduction of the weekly benefit amount, the benefits paid prior to the termination date shall not constitute an overpayment. Any benefits received after such date to which the claimant is not entitled pursuant to a new determination based on such new employer information shall constitute an overpayment.

Sec. 3. 26 MRSA § 1051, sub-§ 5, last sentence, as enacted by PL 1971, c. 419, is repealed and the following enacted in place thereof:

Provided that there shall be no recovery of payments from any person who, in the judgment of at least 2 commissioners, 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.

Sec. 4. 26 MRSA § 1194, sub-§ 5, 4th sentence is amended to read:

Any proceedings so removed to the commission shall be heard in accordance with the requirements in subsection 3, provided that a quorum of commissioners may hear such appeals or proceedings.

Effective July 29, 1976

---



---

## CHAPTER 711

### AN ACT Relating to Town Ways.

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

Sec. 1. 23 MRSA § 2051, as amended by PL 1965, c. 168, is further amended to read:

#### § 2051. Power of commissioners

County commissioners may lay out, alter, close for maintenance or discontinue highways within the unorganized areas of their counties leading from town to town and grade hills in any such highway. The county commissioners may close county roads for maintenance and preserve the right-of-way for the use of abutting landowners, and any others using said way for the access to their property, and public utilities and corporations with facilities legally located within said way, at their own risk. ~~Nothing in any city charter shall be so construed as to deprive them of the power to lay out, alter, close for maintenance or discontinue county roads within the limits thereof.~~ Responsible persons may present, at their regular session, a written petition describing a way and stating whether its location, alteration, grading, closing for maintenance or discontinuance is desired, or an alternative action, in whole or in part. The commissioners may act upon it, conforming substantially to the description, without adhering strictly to its bounds.

Sec. 2. 23 MRSA § 2057, 1st sentence is amended to read:

If any person's property is damaged by laying out, altering or discontinuing a county highway ~~or town way~~, the county commissioners ~~or the municipal~~