

# MAINE STATE LEGISLATURE

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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.

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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]

person who has made a waiver under the previous sentence may state, in writing, that he waives all the benefits and privileges provided by the workmen's compensation laws if the commissioner finds that the waiver is not a prerequisite condition to employment and if the parent, spouse or child is employed by the same corporation which employs the person who has made the first waiver.

(5) The parent, spouse or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse or child of a partner who is employed by the partnership of that partner may state, in writing, that he waives all the benefits and privileges provided by the workmen's compensation laws if the commission finds that the waiver is not a prerequisite condition to employment.

Sec. 4. 39 MRSA § 21, sub-§ 2, is enacted to read:

2. Governmental bodies. The State, every county, every city and town shall be subject to this Act and shall secure the payment of compensation in conformity with sections 21 to 27.

Sec. 5. 39 MRSA § 57, first ¶, as last amended by PL 1973, c. 788, § 226, is further amended to read:

If an employee, who has previously incurred a permanent ~~incapacity~~ impairment by injury, disease or congenital causes, sustains an industrial injury which in combination with the earlier preexisting permanent impairment shall result in total permanent impairment, the employer shall be liable only for the compensation payable for such second injury. In addition to such compensation and after the completion of the payments therefor, the employee shall be paid the remainder of the compensation that would be due for permanent total ~~incapacity~~ impairment, out of a special fund known as the "Second Injury Fund," and created for such purpose in the following manner:

Sec. 6. 39 MRSA § 57-A, is enacted to read:

#### § 57-A. Legal representation of the Second Injury Fund

1. Legal interest of State. The State is declared to have a legal interest under Title 5, section 191, in any claim, other than a claim excepted by subsection 2, of liability towards or liability against the Second Injury Fund. The Attorney General shall therefore provide, on behalf of the Second Injury Fund, legal prosecution or defense of any such claim.

2. Exception. The Attorney General shall not defend the Second Injury Fund against any claim brought by the State. The Industrial Accident Commission is authorized to hire, using funds from the Second Injury Fund, private counsel to defend any claim brought against the Second Injury Fund by the State.

Effective July 29, 1976

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## CHAPTER 750

AN ACT to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators.

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

Sec. 1. 3 MRSA § 2, as last amended by PL 1975, c. 51, is repealed and the following enacted in place thereof:

§ 2. Salary, expenses and travel of Members of the Legislature and representatives of Indian tribes

Each Member of the Senate and House of Representatives, beginning with the first Wednesday after the first Tuesday of January, 1977 and thereafter, shall receive \$4,500 in the first year and \$2,500 in the 2nd year of each biennium, and shall be paid for travel at each legislative session once each week at the same rate per mile to and from his place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike provided they have a receipt for payment of the tolls, such tolls to be reimbursed where Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and such amounts of his salary and expenses at such times as the Legislature may determine during the session, and the balance at the end thereof.

The first regular session of the Legislature shall adjourn no later than 100 legislative days after its convening and the 2nd regular session of the Legislature shall adjourn no later than 50 legislative days after its convening. The Legislature, in case of emergency, may by a vote of 2/3 of the Members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the Members of each House present and voting, further extend the date for adjournment by 5 additional legislative days. The times for adjournment for the first and 2nd regular sessions may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.

Each Member of the Senate and House of Representatives shall receive a meal and housing allowance in the amount of \$25 for each day in attendance at sessions of the Legislature and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. In lieu of the meal and housing allowance, each Member shall be entitled to a daily meal allowance in the amount of \$12 and actual daily mileage allowances in an amount up to but not exceeding \$13 per day. Each Member shall also receive an annual allowance for constituent services in the amount of \$200.

The President of the Senate and the Speaker of the House of Representatives shall receive an additional 50% above regular compensation, the majority and minority leaders of the Senate and House of Representatives shall receive an additional 25% above regular compensation and the assistant majority and minority leaders of the Senate and House of Representatives shall receive an additional 12½% above regular compensation.

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the Members of the Senate and House of Representatives shall each be paid \$25 for every day's attendance, expenses and mileage as aforesaid.

No additional expenses shall be paid to Legislators from the Legislative Account unless authorized by the President of the Senate or Speaker of the House of Representatives during any regular session.

The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent his tribe at the Legislature shall receive a compensation of \$25 for each day's attendance during the first and 2nd regular sessions and allowance for meals, housing and travel expenses as any other Member of the Senate and House of Representatives for attendance at each legislative session. For the duration of any special session of the Legislature, they shall receive the same allowances, including housing, meal and constituent service allowances, as any other Member of the Senate and House of Representatives.

The President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be in session or not, have the authority to approve accounts and vouchers for payment.

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval of the President of the Senate or the Speaker of the House as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each Member of the Senate and House of Representatives shall receive \$25 for every day's attendance when meetings or daily sessions are held, a meal and housing allowance in the amount of \$25 for each day in attendance at such meetings or daily sessions and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances which shall be paid at the same rate paid to state employees. In lieu of the meal and housing allowance, each Member shall be entitled to a daily meal allowance in the amount of \$12 and actual daily mileage allowances in an amount up to but not exceeding \$13 per day.

Sec. 2. 3 MRSA § 165, sub-§8, as enacted by PL 1973, c. 590, §8, is repealed.

Sec. 3. PL 1975, c. 652, repealed. Chapter 652 of the Public Laws of 1975, passed at the First Special Session of the 107th Legislature, is repealed and shall not be printed in the Session Laws of 1975.

Effective July 29, 1976

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## CHAPTER 751

### AN ACT to Regulate Drinking Water.

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