

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
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Sec. 8. 32 MRSA § 3655, sub-§§ 2, 6 and 7, are repealed.

Sec. 9. 32 MRSA § 3655, sub-§ 8, is repealed and the following enacted in its place:

8. Advertising. A podiatrist shall not engage in false, misleading or deceptive advertising.

Sec. 10. 32 MRSA § 3655, sub-§§ 9 and 11 are repealed.

Effective October 24, 1977

CHAPTER 459

AN ACT Concerning Licenses for Camping Areas and Eating Establishments.

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

22 MRSA § 2495, 1st sentence, as enacted by PL 1975, c. 496, § 3, is repealed and the following enacted in its place:

The department shall, within 30 days following receipt of application, issue a license to operate any eating establishment, eating and lodging place, lodging place, recreational camp, camping area or mobile home park which is found to comply with this chapter and any rules and regulations adopted by the department, and has submitted documented proof of compliance with all local ordinances relating to the operation of the facility for which the license application has been made.

Effective October 24, 1977

CHAPTER 460

AN ACT to Amend Certain Provisions of the Employment Security Law.

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

Sec. 1. 26 MRSA § 1051, sub-§ 4, as amended by PL 1975, c. 462, § 2, is amended to read:

4. Nondisclosure or misrepresentation to receive benefits. Any person who, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact, and such nondisclosure or misrepresentation was known to him or ought to have been known by him to be fraudulent, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, shall ~~in the discretion of the commission~~ either be liable to have such sum deducted from any future benefits payable to him under this chapter or shall be liable to repay to the commission for the Unemployment Compensation Fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in ~~section 1229 for the collection of past due contributions~~ subsection 6.

Sec. 2. 26 MRSA § 1051, sub-§ 5, first sentence, as amended by PL 1971, c. 419, is repealed and the following enacted in its place:

If, after due notice, any person refuses to repay amounts erroneously paid to him as unemployment benefits, the amounts due from such person shall be collectible in the manner provided in subsection 6 or in the discretion of the commission the amount erroneously paid to such person may be deducted from any future benefits payable to him under this chapter.

Sec. 3. 26 MRSA § 1051, sub-§ 6 is enacted to read:

6. Collection of erroneous payments or payments received by nondisclosure or misrepresentation. Any amounts of benefit payments owed to the commission by any individual may be collected by any of the following methods.

A. The amount due may be collected by civil action in the name of the commission.

B. If any amount of benefit payments owed to the commissioner is not paid when the decision establishing or a decision upholding the establishment of the debt has become final as to law and fact under section 1194, and if the amount of benefit payments due was set forth on a notice duly mailed to the individual following the finality of the last decision, the amount due may be collected by warrant as follows.

(1) The commission may file in the office of the clerk of the Superior Court of Kennebec County a certificate addressed to the clerk specifying the amount of benefit payments required to be paid and the weeks involved, the name and address of the liable person as it appears on the records of the commission, the facts whereby the amount has become final as to law and fact and requesting that a warrant be issued against the person for the amount required to be paid, and with costs, but without interest.

(2) When the certificate is filed, the clerk of the Superior Court shall issue a warrant in favor of the commission against the person for the amount required to be paid and with costs. The clerk shall file the certificate in a separate docket entitled "Special Warrants for Unemployment Compensation Benefit Payments." These records are not to become a part of the extended record of the court.

(3) The warrant shall have the force and effect of an execution issued upon a judgment in a civil action, may be substantially the same as the form in section 1230, subsection 4, paragraph A, and shall specify the amount of benefit payments required to be paid and the weeks involved.

(4) Warrants shall be returnable within one year, and new warrants may be issued on any such certificate within 4 years from the return day of the last preceding warrant for sums remaining unsatisfied.

Sec. 4. 26 MRSA § 1082, sub-§ 14, ¶ E, 3rd sentence, as repealed and replaced by PL 1975, c. 90, is amended to read:

A copy of the complaint shall be served upon the commission or upon such person as it may designate no later than 40 days after the decision of the commission has become final if the appeal is commenced by filing the complaint with the Superior Court.

Sec. 5. 26 MRSA § 1194, sub-§ 9, 2nd sentence is repealed and the following enacted in its place:

In such action, a complaint which need not be verified shall state the grounds upon which an appeal is sought and shall be served upon the commission or upon such person as the commission may designate no later than 40 days after the decision of the commission has become final if the appeal is commenced by filing the complaint with the Superior Court. Such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the complaint as there are defendants and the commission shall forthwith mail one such copy to each defendant.

Sec. 6. 26 MRSA § 1221, sub-§ 4, ¶ E, sub-¶ (1) is amended by inserting after the 4th sentence the following:

A copy of the complaint shall be served upon the commission or upon such person as it may designate no later than 40 days after the decision of the commission has become final.

Sec. 7. 26 MRSA § 1221, sub-§ 10, 3rd sentence, as enacted by PL 1971, c. 538, § 41, is repealed and the following enacted in its place:

A nonprofit organization shall pay contributions as provided in subsections 1 and 2, unless it elects in accordance with this subsection to pay to the commission for the unemployment compensation fund, in lieu of such contributions, an amount equal to the amount of regular benefits and of $\frac{1}{2}$ of the extended benefits paid that are attributable to service in the employ of such employer.

Sec. 8. 26 MRSA § 1225, sub-§ 6 is enacted to read:

6. Limitations on assessment. Notification of assessments shall be mailed to the employer not later than 4 years after a report was due or filed, whichever is later, except that if, with intent to evade the liabilities imposed by this chapter, no return is filed or a false report is filed, a notification of assessment may be mailed to the employer not later than 6 years after the report was due or filed. Before the expiration of the time prescribed in this subsection, the commission and the employer may consent in writing to an assessment after

such time, and the notification of assessment must be mailed within the limitation agreed upon.

Sec. 9. 26 MRSA § 1226, sub-§ 2, ¶ A, 3rd sentence, as enacted by PL 1975, c. 462, § 9, is amended to read:

A copy of the complaint shall be served upon the commission or upon such person as it may designate no later than 40 days after the decision of the commission has become final if the appeal is commenced by filing the complaint with the Superior Court.

Effective October 24, 1977

CHAPTER 461

AN ACT Relating to Judicial Review of Public Utilities Commission Decisions.

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

35 MRSA § 305, 2nd sentence, is repealed as follows:

~~If in such complaint it is alleged that confiscation of property or other violation of constitutional right results from such ruling or order, the law court shall exercise its own independent judgment as to both law and facts~~

Effective October 24, 1977

CHAPTER 462

AN ACT to Provide for the Immediate Issuance of Food Stamps for Needy Families.

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

22 MRSA § 3104, as last amended by PL 1975, c. 293, § 4, is repealed and the following enacted in its place:

§ 3104. Statewide food stamp program

1. Program required. The department shall: