

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

January 5, 1977 to July 25, 1977

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

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1977

16. Transition provision. Notwithstanding subsections 10, 11, 14 and 15, any nonprofit organization or group of organizations not required to be covered pursuant to section 3309 (a) (1) of the Federal Unemployment Tax Act prior to January 1, 1978, that prior to October 20, 1976, paid contributions required by subsection 1, and pursuant to subsection 10, elects, within 30 days after January 1, 1978, to make payments in lieu of contributions shall not be required to make any such payment on account of any regular or extended benefits paid, on the basis of wages paid by such organization to individuals for weeks of unemployment which begin on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating record of such organization.

Sec. 38. 26 MRSA § 1222, sub-§ 3, ¶ C, as enacted by PL 1971, c. 538, § 48, is repealed.

Sec. 39. Constitutionality. If provisions of the federal unemployment compensation amendments of 1976, PL 94-566, are found by the United States Supreme Court to be unconstitutional and without legal effect, then this Act shall be repealed 9 months after the date of the Supreme Court's decision.

Sec. 39-A. Appropriation. There is appropriated from the General Fund to the Department of Finance and Administration for the fiscal year 1978-79 the sum of \$50,000. The breakdown shall be as follows:

1978-79

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

Unemployment Insurance

All Other

\$50,000

These funds to be used for expanded unemployment insurance coverage.

Sec. 40. Effective date. This Act shall become effective 91 days following adjournment of the Legislature, except that sections 1 to 5, 7, 10 to 16, 18 to 22 and 26 to 38 of this Act shall become effective January 1, 1978.

Effective October 25, 1977, except as otherwise indicated

CHAPTER 571

AN ACT to Provide Home Winterization for Low Income Elderly,
Disabled and Other Low Income Families.

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

Whereas, the Maine winterization program for winterizing or retrofitting residences of low income families has moneys available for winterization materials; and

Whereas, the program needs additional funds to hire labor to refit these dwellings; and

Whereas, there are 16,000 dwellings that are expected to be retrofitted under this program; and

Whereas, the most propitious time of year to undertake the retrofitting program is during the summer months prior to cold weather; 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. 22 MRSA c. 1458 is enacted to read:

CHAPTER 1458

HOME WINTERIZATION PROGRAM

§ 5201. Provision of funds

The Legislature finds that many homes in which the low income elderly, disabled and other low income families live have not been constructed to sufficiently protect the occupants from winter weather. As a result, many of these families have experienced health problems and great discomfort. Many of the elderly, disabled and other low income people lack the means to finance retrofitting or winterization. The Legislature therefore, declares it to be in the public interest to provide funds for the implementation of the winterization program in Maine in order to provide greater comfort for low income people and to conserve energy within the State.

§ 5202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

1. Handicapped. "Handicapped" means an individual who has a physical or mental disability which, for such individual, constitutes or results in a substantial handicap to employment or to the performance of an individual's usual activities.

2. Household. "Household" means a home occupied by at least one older citizen.

3. Low income. "Low income" means the income of a household that is

125% of the income guidelines as established by the Federal Community Services Administration, Sect. 625, Community Services Act of 1974.

4. Older citizen. "Older citizen" means a person of 60 years or older.

5. Winterization. "Winterization" means making home repairs and energy saving improvements to minimize heat loss and improve thermal efficiency. Components include repairs to stop heat loss through infiltration; installation of a balanced combination of energy saving home improvements, including insulation and storm windows and doors; and, where needed, the adjustment and repair of heating systems.

§ 5203. Administration of winterization program

1. Administering organization. The Executive Department, Division of Community Services, shall administer programs for winterization as defined in section 5202, subsection 5.

2. Priorities. The priorities of the winterization program shall be as follows:

- A. Low income elderly households;
- B. Low income disabled households;
- C. Low income households; and
- D. All others.

§ 5204. Powers and duties

The Division of Community Services shall have the following powers and duties in order to implement the home winterization program:

1. Federal contracts. To enter into contracts with the Government of the United States or any agency or instrumentality thereof, with the State or any agency or instrumentality thereof, or with any other municipality, district, private corporation, copartnership, association or individual providing for or relating to the winterization program;

2. Federal aid. To accept from any authorized agency of the Federal Government or the state grants for the home winterization program and to enter into agreements with such agency respecting any such grants, and to receive and accept aid and contributions from any source of either money, property, labor or other things of value, to be held, used and applied for only the purposes for which such loans, grants and contributions may be made; and

3. Rules and regulations. To make rules and regulations, after hearing, to include the disbursement of funds to subcontracting agencies and organizations, the uses for which the moneys provided to subcontracting agencies and organizations may be expended, and reports by subcontracting agencies to the Division of Community Services concerning the results of the winterization program.

The Division of Community Services shall review and evaluate the home winterization program and report its findings to the Legislature.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Executive Department, the Division of Community Services the sum of \$91,494 to help implement the provisions of this Act. The breakdown shall be as follows:

1977-78

EXECUTIVE DEPARTMENT

Division of Community Services

Personal Services

(12) \$91,494

These funds shall be used to employ a qualified person, such as a carpenter, to supervise the projects in each of the community action programs. These positions shall be hired on a limited period basis within the funds provided.

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

Effective July 23, 1977

CHAPTER 572

AN ACT to Exempt Turbojet Fuel used for International Flights from Sales Tax.

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

Sec. 1. 36 MRSA § 1760, sub-§ 8, as amended by PL 1969, c. 223, § 1, is further amended to read:

8. Motor vehicle fuel. Sales of gasoline and motor fuels upon which a tax is now imposed by the State, or any other state or province, but the tax payable upon such fuels not used by vehicles on the highway shall be deducted from any refund of the gasoline tax sought by the purchaser; however, **except for fuel sold for international flights**, internal combustion engine fuel as defined in section 2902 bought and used for the purpose of propelling jet or turbojet engine aircraft shall not be exempt;

Sec. 2. 36 MRSA § 2903, first sentence, as amended by PL 1971, c. 529, § 1, is further amended to read: