

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

January 4, 1978 to April 6, 1978

CHAPTER 585

**AN ACT to Authorize Local School Committees to Elect the Method of Funding
Unemployment Compensation.**

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

Whereas, "governmental entities," as defined by the Revised Statutes, Title 26, section 1043, subsection 28, must elect by January 31, 1978, what method will be used to cover their employees for unemployment compensation;

Whereas, ambiguity exists over whether in a community school district the community school committee or the board of trustees decides by what method community school district employees are to be covered by unemployment compensation; and

Whereas, all local school committees are statutorily responsible for the fiscal management of the schools; 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Sec. 1. 26 MRSA § 1043, sub-§ 28, as enacted by PL 1977, c. 570, § 20, is repealed and the following enacted in its place:

28. **Governmental entity.** "Governmental entity" means the State of Maine, its instrumentalities, political subdivisions and school administrative units as represented by their elected or appointed governing bodies and shall include, without limitation, city and town councils, boards of selectmen, boards of county commissioners, municipally owned and operated hospitals and administrative entities formed under Title 30, chapter 203. In the case of school administrative units, governing bodies shall include, without limitation, municipal school committees, school administrative district directors, community school district school committees and school unions formed under Title 20, chapter 17. In the case of special purpose districts, governing bodies shall include, without limitation, boards of directors or trustees.

Sec. 2. 26 MRSA § 1192, sub-§ 7, ¶¶ A, B and C, as enacted by PL 1977, c. 570, § 21, are amended to read:

A. With respect to weeks of unemployment beginning after December 31, 1977, in an instructional, research or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between 2 successive academic years or terms, or when an agreement provides instead for a similar period between 2 regular but not successive terms, during such period, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms, and if there is a contract or annual written reasonable assurance that such individual will perform services in any such capacity for any educational institution in the 2nd of such academic years or terms; ~~and~~

B. With respect to weeks of unemployment beginning after December 31, 1977, in any other capacity for an educational institution, other than an institution of higher education as defined in section 1043, subsection 25, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between 2 successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is annual written reasonable assurance that such individual will perform such services in the 2nd of such academic year or terms; and

C. With respect to weeks of unemployment beginning after December 31, 1977, benefits shall be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs any services described in paragraphs A or B in the period immediately before such vacation period or holiday recess, and there is annual written reasonable assurance that such individual will perform any such services in the period immediately following such vacation period or holiday recess.

Sec. 3. 26 MRSA § 1221, sub-§ 12, as enacted by PL 1971, c. 538, § 43, is amended by adding at the end the following new sentence to read:

This subsection shall not apply to governmental entities as defined by section 1043, subsection 28, whether they act singularly or in group accounts as allowed by subsection 15.

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

Effective January 23, 1978

CHAPTER 586

AN ACT to Provide Transition Provisions Covering the Recent Amendments to Article 9 of the Uniform Commercial Code.

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

Whereas, the 108th Legislature enacted public law, 1977, chapter 526, "An Act Realting to Secured Transactions under the Uniform Commercial Code;" and

Whereas, public law, 1977, chapter 526 has an effective date of January 1, 1978; and

Whereas, through inadvertence, public law, 1977, chapter 526 does not include any provision concerning transition between the prior version of the Uniform Commercial Code and the amendments to the code enacted by public law, 1977, chapter 526; and

Whereas, the absence of any transition provisions in public law, 1977, chapter 526 creates great uncertainty as to the applicable law in many secured transactions and great difficulty in determining the relative rights and obligations of debtors and secured parties; 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:

11 MRSA, Art. 10 is enacted to read:

ARTICLE 10

TRANSITION PROVISIONS