

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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

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Kennebec Journal  
Augusta, Maine  
1979

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Should any recipient of benefits other than disability benefits be restored to service, and should the total of his monthly retirement allowance for any year and his total earnable compensation for that year exceed his average final compensation at retirement, the excess shall be deducted from the service retirement allowance payments during the next calendar year, those deductions to be prorated on a monthly basis in an equitable manner prescribed by the board of trustees over the year or part thereof for which benefits are received. The beneficiary shall be responsible for reimbursing the Maine State Retirement System for any excess payments not so deducted. If the beneficiary's retirement allowance payments are thereby eliminated, he shall again become a member of the retirement system and he shall contribute thereafter at the current rate and when that member subsequently again retires, he shall receive such combined benefits as may be computed on his entire creditable service and in accordance with the then existing law.

Effective September 14, 1979

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## CHAPTER 201

S. P. 188 — L. D. 455

### AN ACT Relating to the Operation of Snowmobiles on Private Ways.

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

Sec. 1. 12 MRSA § 1977, sub-§ 1, 2nd ¶, as repealed and replaced by PL 1975, c. 525, § 2, is repealed and the following enacted in its place:

No person shall operate a snowmobile upon any plowed private road, or public road plowed privately without public compensation, after having been forbidden to do so by the owner thereof, the owner's agent or a municipal official, either personally or by appropriate notices posted conspicuously on that way.

Sec. 2. 12 MRSA § 1977, sub-§ 1, as repealed and replaced by PL 1975, c. 525, § 2, is amended by adding at the end a new paragraph to read:

No person shall operate any 4-wheel drive vehicle, dune buggy, motorcycle or other motorized vehicle, other than a snowmobile and appurtenant equipment, over the snow on roads and trails maintained for snowmobile use and financed in whole or in part with funds from the Snowmobile Trail Fund, unless such use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.

Sec. 3. 12 MRSA § 1977, sub-§ 2, ¶ B, last ¶, as repealed and replaced by PL 1975, c. 525, § 2, is amended to read:

Snowmobiles may operate on any portion of public ways when the ~~main traveled portion is unplowed and unused by conventional motor vehicles~~ **public way has been closed in accordance with Title 23, section 2953**. If the main traveled portion of a public way is **publicly** plowed and utilized by conventional motor vehicles, snowmobiles may operate only on that portion of the way not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way shall be prohibited during the hours from sunset to sunrise on the portion of the way not maintained or utilized for the operation of conventional motor vehicles.

Effective September 14, 1979

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## CHAPTER 202

S. P. 92 — L. D. 178

### AN ACT Concerning Unemployment Compensation Benefits For Employees Formerly Working for a Bankrupt Employer.

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

Sec. 1. 26 MRSA § 632 is enacted to read:

#### § 632. Fund for unpaid wages

1. **Fund established.** There is established a Maine Wage Assurance Fund to be used by the Bureau of Labor within the Department of Manpower Affairs for the purpose of assuring that all former employees of employers within the State receive payment for wages for one week for the work they have performed. The Legislature intends that payment of earned wages from the fund be limited to those cases when the employer has terminated his business and there are no assets of the employer from which earned wages may be paid, or when the employer has filed under any provision of the Federal Bankruptcy Act. No officer or director in the case of a corporation, no partner in the case of a partnership and no owner in the case of a sole proprietorship shall be considered an employee for purposes of this section.

2. **Administration.** The fund shall be administered by the Director of the Bureau of Labor. Applications for payment from the fund and disbursements from the fund shall be in accordance with regulations promulgated by the director. The State shall be subrogated to any claims against an employer for unpaid wages by an employee who has received payment from the fund. Subrogation to these claims shall be to the extent of payment from the fund to the employee.

3. **Amount in fund.** The Maine Wage Assurance Fund shall be a nonlapsing,