

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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PUBLIC LAWS
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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Sec. 1. 12 MRSA § 6433, sub-§ 1, as amended by PL 1977, c. 713, §§ 4-A and 4-B, is repealed and the following is enacted in its place:

1. Vent required. It shall be unlawful to fish for or to take lobsters unless the lobster trap is equipped with unobstructed vents or gaps in the parlor section which are:

A. A rectangular or oblong escape vent not less than 1¾ inches (44.5 mm.) by 6 inches (152.5 mm.) located next to the bottom edge;

B. Two circular escape vents not less than 2¼ inches (57.2 mm.) in diameter located next to the bottom edge;

C. A gap caused by raising, modifying or separating horizontal laths to comply with paragraph A or B;

D. A gap caused by separating or modifying vertical laths to comply with paragraph A;

E. A gap caused by separating both ends of 2 laths 1¾ inches (44.5 mm.) on the top of the parlor section next to the middle bow or supporting frame and directly over the parlor head; or

F. In a wire or plastic trap by a gap created by cutting vents in the side or end to comply with paragraph A or B.

Sec. 2. 12 MRSA § 6433, sub-§ 4 as enacted by PL 1977, c. 661, § 5, is repealed.

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

Effective June 4, 1979

CHAPTER 354

H. P. 955 — L. D. 1173

AN ACT to Amend the Employment Security Law Relating to Termination of Coverage.

Emergency preamble. Whereas, Acts of the Legislature do not become

effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, some employers were determined to be subject to liability under the Employment Security Law based on employing individuals in agricultural labor or domestic service; and

Whereas, that liability was based on employment in the calendar year 1977; and

Whereas, some employers could be eligible for termination of coverage based on employment of individuals in agricultural labor or domestic service in the calendar year 1978; and

Whereas, the termination of coverage could be effective January 1, 1979; 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 § 1222, sub-§ 2, ¶ C, first sentence, as enacted by PL 1971, c. 538, § 47, is amended to read:

Except as otherwise provided in subsection 3, an employing unit **which became an employer under section 1043, subsection 9, paragraph A-1**, shall cease to be an employer subject to this chapter as of the ~~1st~~ **first** day of January of any calendar year, only if it files with the commission, prior to the 31st day of January of such year, a written application for termination of coverage, and the commission finds that there were no 20 different weeks, within the preceding calendar year, within which such employing unit employed one or more individuals in employment subject to this chapter, and did not pay wages of \$1,500 in any calendar quarter.

Sec. 2. 26 MRSA § 1222, sub-§ 2, ¶¶ E-G are enacted to read:

E. Except as otherwise provided in subsection 3, an employing unit which became an employer under section 1043, subsection 9, paragraph J, shall cease to be an employer subject to this chapter as of the first day of January of any calendar year, only if it files with the commission, prior to the 31st day of January of that year, a written application for termination of coverage and the commission finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which that employing unit employed 10 or more individuals in agricultural labor subject to this chapter and did not pay wages of \$20,000 to individuals employed in agricultural labor in any calendar quarter. For the purpose of this subsection, the 2 or more employing units mentioned in section 1043, subsection 9, paragraph B, C or D, shall be treated as a single employing unit.

F. The commission may, upon its own motion, terminate coverage of any employer who became an employer under section 1043, subsection 9, paragraph J, when the commission finds that there were not 20 different days, each day being in a different week within the preceding calendar year, within which the employing unit employed 10 or more individuals in agricultural labor subject to this chapter and did not pay wages of \$20,000 to individuals employed in agricultural labor in any calendar quarter; and the commission may upon its own motion terminate coverage of any employer who became an employer under section 1043, subsection 9, paragraph K, when the commission finds that the employing unit did not pay wages of \$1,000 to individuals employed in domestic service in any calendar quarter of the preceding calendar year.

G. Except as otherwise provided in subsection 3, an employing unit which became an employer under section 1043, subsection 9, paragraph K, shall cease to be an employer subject to this chapter as of the first day of January of any calendar year, only if it files with the commission, prior to the 31st day of January of that year, a written application for termination of coverage and the commission finds that the employing unit did not pay wages of \$1,000 to individuals employed in domestic service in any calendar quarter of the preceding calendar year. For the purpose of this subsection, the 2 or more employing units mentioned in section 1043, subsection 9, paragraph B, C or D, shall be treated as a single employing unit.

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

Effective June 4, 1979

CHAPTER 355

H. P. 959 — L. D. 1184

AN ACT to Establish a Lobster Advisory Council.

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

Sec. 1. 12 MRSA c. 619, sub-c. IV is enacted to read:

SUBCHAPTER IV LOBSTER ADVISORY COUNCIL

§ 6461. Purpose

The lobster fishing industry is one of the most important industries in the State because of its contribution to the economy and also because of its unique social, historic and cultural contributions to this State's quality of life.