

# 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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**Sec. 2. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act.

1979-80

EXECUTIVE DEPARTMENT

State Development Office -

Foreign Trade Zone Market Development Grants

All Other \$30,000

Any funds remaining at the end of fiscal year 1979-80 shall not lapse, but shall be carried forward to fiscal year 1980-81 and shall be available for obligation during fiscal years 1979-80 and 1980-81, after which any unobligated balances shall lapse.

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

Effective June 25, 1979

**CHAPTER 548**

H. P. 1379 — L. D. 1604

**AN ACT to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission.**

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

**Sec. 1.** 2 MRSA § 7, sub-§ 2, last 5 lines, as last repealed and replaced by PL 1979, c. 127, § 4, are repealed and the following enacted in their place:

**Workers' Compensation Commission**

**Part-time chairman and members**

**Chairman** .....22,995;

**Members other than chairman with more than 4 years' experience** ....21,420;

All other members.....18,900;

**Full-time members appointed after January 1, 1980**

**Chairman ..... same salary as Chief Judge of the District Court;**

**Members other than chairman ..... same salary as a District Judge.**

Sec. 2. 39 MRSA § 91, first sentence, as last amended by PL 1977, c. 709, § 2, is repealed and the following enacted in its place:

**The Workers' Compensation Commission, as heretofore established, shall consist of not more than 7 members, not more than 5 of whom shall be persons learned in the law and members of good standing of the bar of this State.**

Sec. 3. 39 MRSA § 91, 2nd paragraph, last 2 sentences, are amended to read:

In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint, **consistent with section 91-A**, a successor for the whole term of the member whose place he takes, subject to removal. In case the office of chairman becomes vacant, the senior, **full-time appointed** commissioner shall act as chairman until the Governor makes an appointment to fill such vacancy; **unless there is no full-time appointed commissioner, in which case the senior, part-time commissioner shall act as chairman until the Governor names an appointment to fill such vacancy.**

Sec. 4. 39 MRSA § 91, 4th paragraph, is amended to read:

The ~~commission~~ **chairman** shall appoint ~~a clerk and~~, **supervise and direct an executive secretary**, full-time or part-time reporters and such clerical assistance as may be necessary, subject to the Personnel Law. **The chairman shall be responsible for the efficient and effective management of the commission and its employees.**

Sec. 5. 39 MRSA § 91-A is enacted to read:

**§ 91-A. Full-time commissioners**

Except for ex officio members, each commissioner and chairman appointed after January 1, 1980, shall devote full time to the duties of his office and shall not hold any other public office or public employment. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law. As the regular terms of members serving on or before January 1, 1980, expire, the Governor shall appoint members, subject to review and confirmation as specified in section 91, to serve for the terms and under the conditions provided in section 91. Notwithstanding any other provision, the first person appointed subject to this provision shall be appointed chairman; subsequent appointments shall assure that the chairman is a full-time member.

**Sec. 6.** 39 MRSA § 92, first 2 sentences, are amended to read:

The **Except as provided in section 91, the** commission shall have general supervision over the administration of this Act, and shall ~~have powers to make rules and regulations~~ not inconsistent with this Act or other laws of the State for the purpose of carrying out the provisions hereof. It ~~may~~ **shall** prescribe forms and make suitable orders as to procedure ~~adapted~~ **adopted** to ~~secure~~ **assure** a speedy, efficient and inexpensive disposition of all proceedings.

**Sec. 7. Effective date.** This Act shall become effective on January 1, 1980, except section 2 of this Act shall take effect after any time when 5 appointed members of the commission are full-time commissioners appointed pursuant to the Revised Statutes, Title 39, section 91-A.

**Sec. 8. Appropriation.** The following funds shall be appropriated from the General Fund to carry out the purposes of this Act:

	1979-80	1980-81
WORKERS' COMPENSATION COMMISSION		
Personal Services	\$3,346	\$8,056

Effective January 1, 1980

## CHAPTER 549

S. P. 150 — L. D. 327

### AN ACT Concerning Gas Tax Refunds.

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

**36 MRSA § 2908, first sentence,** as repealed and replaced by PL 1977, c. 696, § 280, is amended to read:

Any person, association of persons, firm or coporation who shall buy and use any internal combustion engine fuel as defined in this chapter for the purpose of operating or propelling commercial motor boats, tractors used for agricultural purposes not operating on public ways, or ~~in such vehicles as run only on rails or tracks~~ **vehicles owned or operated by railroad companies while operating on rails or tracks**, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in **nonrailroad** motor vehicles operated or intended to be operated upon any of the public highways of this State, or turnpikes