

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

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IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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7 MRSA §3459 is enacted to read:

§3459. Responsibility for payment of impoundment and other fees

When any dog is impounded and the identity of the owner of the dog can be determined by license numbers, certified rabies tag numbers or other positive proof, that owner shall, when properly notified, be responsible for payment of all impoundment fees, fees for immunizations and all kennel fees.

Effective September 23, 1983.

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## CHAPTER 13

H.P. 438 - L.D. 531

AN ACT to Amend the Employment Security  
Law as Required by the Tax Equity and Fiscal  
Responsibility Act of 1982.

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

Whereas, the United States Tax Equity and Fiscal Responsibility Act of 1982 passed by Congress and signed by the President requires changes in the Employment Security Law effective in calendar year 1983; and

Whereas, if the State fails to comply with federal law, it will be unable to meet its responsibility for the administration of the unemployment compensation program; and

Whereas, severe economic and personal hardship affecting thousands of Maine citizens would result if state law were not amended in the timely fashion required by federal law; 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-§2, as amended by PL 1977, c. 570, §2, is further amended to read:

2. Annual payroll. "Annual payroll" means the total amount of wages paid by an employer during a calendar year, not meaning, however, to include that part of individual wages or salaries in excess of \$3,000 in any calendar year through 1971, \$4,200 in any calendar year through 1977 and, \$6,000 in any subsequent calendar year through 1982 and \$7,000 in any subsequent calendar year.

Sec. 2. 26 MRSA §1043, sub-§19, ¶A, as amended by PL 1977, c. 570, §18, is further amended to read:

A. For purposes of section 1221, the term "wages" shall not include that part of remuneration which after remuneration equal to \$3,000 through December 31, 1971, \$4,200 through December 31, 1977, and on and after January 1, 1978 ~~that part of remuneration equal to \$6,000 through December 31, 1982,~~ that part of remuneration equal to \$6,000 through December 31, 1982, and on and after January 1, 1983, that part of remuneration equal to \$7,000 has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to ~~such~~ the individual by ~~such~~ the employer during ~~such~~ that calendar year, unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. The wages of an individual for employment with an employer shall be subject to this exception whether earned in this State or any other state when the employer-employee relationship is between the same legal entities;

Sec. 3. 26 MRSA §1191, sub-§2, as amended by PL 1981, c. 342, §1, is further amended to read:

2. Weekly benefit amount for total unemployment. Each eligible individual establishing a benefit year on and after ~~January 1, 1972~~ October 1, 1983, who is totally unemployed in any week shall be paid with respect to ~~such~~ that week, benefits equal to 1/22 of the wages, rounded to the nearest ~~dollar~~ lower full dollar amount, paid to him in the high quarter of his base period, but not less than \$12. The maximum weekly benefit amount for claimants requesting insured status determination beginning October 1, 1983, and thereafter from June 1st of a calendar year to May 31st of the next calendar year shall not exceed 52% of the annual average weekly wage, rounded to the nearest ~~dollar~~ lower full dollar amount, paid in the calendar year preceding June 1st of ~~such~~ that calendar year.

The amount of benefits payable to an eligible individual with respect to any week of total unemployment shall be reduced by the amount of any holiday pay which the individual has received or is entitled to receive for that week.

Sec. 4. 26 MRSA §1191, sub-§3, as amended by PL 1981, c. 342, §2, is further amended to read:

3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week shall be paid with respect to ~~such the~~ week a partial benefit in an amount equal to ~~this~~ weekly benefit amount less that part of his earnings, including holiday pay, paid or payable to him with respect to ~~such the~~ week which is in excess of \$10 ~~plus any fraction of a dollar~~, except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances or any amounts received as a volunteer fireman or as elected members of the Legislature, shall not be deemed wages for the purpose of this subsection.

On and after January 1, 1978, each eligible individual who, affirmatively terminated from his regular employment for a period in excess of 4 consecutive calendar weeks, is employed less than 40 hours for a period not exceeding 2 consecutive calendar weeks or performs odd jobs shall be paid an amount equal to his weekly benefit amount less:

- A. 50% of his earnings paid or payable to him with respect to ~~such that~~ week in excess of \$10 up to \$35, ~~plus any fraction of a dollar~~; and
- B. 100% of his earnings paid or payable to him with respect to ~~such that~~ week in excess of \$35, ~~plus any fraction of a dollar~~.

Sec. 5. 26 MRSA §1191, sub-§6, as amended by PL 1975, c. 720, is further amended to read:

6. Supplemental weekly benefit for dependents. An individual in total or partial unemployment and otherwise eligible for benefits shall be paid for each week of ~~such that~~ unemployment, in addition to the amounts payable under subsections 2 and 3, the sum of \$5 for each unemancipated child of ~~such the~~ individual who in any part of the benefit year and during any part of ~~such the~~ individual's period of eligibility is, in fact, dependent upon and is being wholly or mainly supported by ~~such the~~ individual, and who is under the age of 18, or who is 18 years of age or over and incapable of earning wages because of mental or physical incapacity, or who is a full-time student as defined in Title 39, section 2, subsection

4, paragraph C, or who is in his custody pending the adjudication of a petition filed by such the individual for the adoption of such the child in a court of competent jurisdiction and for each such child for whom he is under a decree or order from a court of competent jurisdiction to contribute to such that child's support and for whom no other person is receiving allowances hereunder. In no instance ~~shall~~ may the dependency benefits as provided in this subsection be more than 50% of the individual's weekly benefit amount ~~except that if such amount of dependency benefits includes a fractional part of a dollar, it shall be raised to the next highest dollar.~~

The commission shall prescribe regulations as to who may receive a dependency allowance when both the husband and wife are eligible to receive unemployment compensation benefits.

No individual ~~shall~~ may be eligible to receive dependency allowances as provided in this subsection for any week during which his ~~or her~~ spouse is employed full time provided that such the spouse is contributing some support to their dependent or dependents. For purposes of ~~the preceding sentence~~ this subsection, "employed full time" ~~shall mean~~ means the receipt of any wages, earnings, salary or other income equivalent to that amount which would be received for a 40-hour work week.

Sec. 6. 26 MRSA §1191, sub-§8 is enacted to read:

8. Unemployment compensation; rounded to lowest dollar amount. Notwithstanding any other provisions of this law to the contrary, any amount of unemployment compensation payable to any individual for any week if not an even dollar amount, shall be rounded to the next lower full dollar amount.

Sec. 7. 26 MRSA §1192, sub-§7, ¶B, as amended by PL 1977, c. 585, §2, is further amended to read:

B. With respect to weeks of unemployment beginning after ~~December 31, 1977~~ September 3, 1982, 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 those services to any individual for any week which commences during a period between 2 successive academic years or terms if such the individual performs such those services in the first of such the academic years or terms and there is annual written reasonable assurance that such the individual will perform such the services in the

2nd of such that academic year or terms; and except that if benefits are denied to any individual under this paragraph and the individual was not offered an opportunity to perform the services for the educational institution for the 2nd of those academic years or terms, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph;

Sec. 8. 26 MRSA §1193, sub-§5, as amended by PL 1981, c. 149, §§1 and 2, is further amended to read:

5. Receiving remuneration. For any week with respect to which he is receiving, is entitled to receive or has received remuneration in the form of:

A. Dismissal wages or wages in lieu of notice or terminal pay or vacation pay; or

B. Benefits under the unemployment compensation or employment security law of any state or similar law of the United States;

If such the remuneration under paragraph A is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such that week, if otherwise eligible, benefits reduced by the amount of such the remuneration, provided that any fraction of a dollar included in the weekly remuneration received shall be disregarded rounded to the nearest lower full dollar amount;

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

Effective February 24, 1983.

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## CHAPTER 14

H.P. 454 - L.D. 551

AN ACT Relating to Furnishing or Allowing Consumption of Liquor by Certain Persons.

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

28 MRSA §1058, as amended by PL 1977, c. 292, §6, is repealed and the following enacted in its place: