

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

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

27 MRSA §111, sub-§1, as enacted by PL 1973, c. 626, §6, is amended to read:

1. Maine Library Commission. There shall be created within the Department of Educational and Cultural Services a library commission which shall be designated as the Maine Library Commission. It shall consist of 15 members appointed by the Governor. The library commission shall be broadly representative of the state's libraries and shall consist of a representative from public, school, academic, special, institutional and handicapped libraries, a trustee representative, one representative from each of the library districts as they are formed and 3 representatives from the State at large of whom one shall be representative of the disadvantaged.

The term of each appointed member shall be 5 years or until his successor is appointed and qualified. Of the members first appointed, 3 shall be for one year, 3 for 2 years, 3 for 3 years, 3 for 4 years and 3 for 5 years. Subsequent appointments shall be for the full term of 5 years. No members shall serve more than 2 successive terms. In the case of a vacancy other than the expiration of a term, the appointment of a successor shall be made in like manner for the balance of the term.

In addition to the 15 appointed members, the directors of the area reference and resource centers shall serve as permanent, nonvoting ex officio members of the Maine Library Commission.

The commission shall meet at least 4 times a year. It shall elect a chairman for a term of 2 years and frame and modify bylaws for its internal organization and operation. The State Librarian shall serve as secretary to the commission. The members of the commission shall serve without compensation, but shall be reimbursed for expenses incurred in the performance of their duties.

Effective September 23, 1983.

CHAPTER 246

H.P. 1089 - L.D. 1416

AN ACT to Protect Unemployed Workers
from the Loss of Unemployment Benefits
Without the Opportunity for a Fair Hearing.

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

26 MRSA §1194, sub-§2, as amended by PL 1981, c. 177, is further amended to read:

2. Determination. A representative designated by the commission, and in this chapter referred to as a deputy, shall promptly examine the first claim filed by a claimant in each benefit year and shall determine the weekly benefit amount and maximum benefit amount potentially payable to the claimant during such that benefit year in accordance with section 1192, subsection 5.

The deputy shall promptly examine all subsequent claims filed and, on the basis of the facts found by him, shall determine whether or not such that claim is valid with respect to sections 1192 and 1193, other than section 1192, subsection 5, or shall refer such that claim or any question involved therein to an appeal tribunal or to the commission, which shall make a determination with respect thereto in accordance with the procedure described in subsection 3, except that in any case in which the payment or denial of benefits will be subject to section 1193, subsection 4, the deputy shall promptly transmit a report with respect to that subsection to the commission upon the basis of which the commission shall notify its appropriate deputies as to the applicability of that subsection.

The deputy shall determine in accordance with section 1221, subsection 3, paragraph A the proper employer's experience rating record, if any, against which benefits of an eligible individual shall be charged, if and when paid.

The deputy shall promptly notify the claimant and any other interested party of the determinations and reasons therefor. Subject to subsection 11, unless the claimant or any such interested party, within 15 calendar days after such that notification was mailed to his last known address, files an appeal from such that determination, such that determination shall be final, provided that the period within which an appeal may be filed may be extended, for a period not to exceed an additional 15 calendar days, for good cause shown. If new evidence or pertinent facts that would alter such that determination become known to the deputy prior to the date such that determination becomes final, a redetermination is authorized, but such that redetermination must be mailed before the original determination becomes final.

If an employer's separation report for an employee is

not received by the office specified thereon within 10 days after such that report was requested, the claim shall be adjudicated on the basis of information at hand. If the employer's separation report containing possible disqualifying information is received after the 10-day period and the claimant is denied benefits by a revised deputy's decision, benefits paid prior to the date of the revised decision shall not constitute an overpayment of benefits. Any benefits paid after the date of the revised decision shall constitute an overpayment.

If an employer files an amended separation report or otherwise raises a new issue as to the employee's eligibility or changes the wages or weeks used in determining benefits which results in a denial of benefits or a reduction of the weekly benefit amount, the benefits paid prior to the date the determination is mailed shall not constitute an overpayment. Any benefits received after such that date to which the claimant is not entitled pursuant to a new determination based on such that new employer information shall constitute an overpayment.

If, during the period a claimant is receiving benefits, new information or a new issue arises concerning the claimant's eligibility for benefits or which affects the claimant's weekly benefit amount, no benefits may be withheld until a determination is made on the issue, unless authorized by the claimant. Before a determination is made, written notice shall be mailed to the claimant and other interested parties, which shall include the issue to be decided, the law upon which it is based, any factual allegations known to the bureau, the right to a fact-finding interview, the date and location of the scheduled interview, and the claimant's rights regarding the continuation of benefits, conduct of the interview and appeal. The fact-finding interview shall be scheduled not less than 5 days nor more than 14 days after the notice is mailed. The bureau shall include with the notice a preprinted form, which the claimant may sign and return to the bureau after indicating thereon whether he wishes to continue to receive benefits until a determination is made, acknowledging an understanding that any benefits paid prior to the determination may be an overpayment under applicable law and recoverable by the bureau if it is later determined that the claimant was not entitled to the benefits. If the claimant does not appear for the scheduled interview, the deputy shall make a determination on the basis of available evidence. The deputy shall make a prompt determination of the issue based solely on any written statements of interested parties filed with the bureau before the interview, together with the evidence presented

by interested parties who personally appeared at the interview. Upon request and notice to all parties at the interview, the deputy may accept corroborative documentary evidence after the interview. In no other case may the deputy base his decision on evidence received after the interview has been held.

Effective September 23, 1983.

CHAPTER 247

H.P. 326 - L.D. 385

AN ACT Concerning the Qualifications of Attorneys Moving to Maine from Other Jurisdictions.

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

4 MRSA §804, 2nd ¶, as amended by PL 1979, c. 541, Pt. A, §14, is further amended to read:

In addition to the foregoing requirements, each applicant shall produce to the board satisfactory evidence that he has graduated from a law school approved by the board; or that he has successfully completed 2/3 of the requirements for graduation from a law school approved by the board and thereafter has pursued the study of law in the office of some attorney within the State of Maine for at least one year; or that he is an attorney who has been admitted by examination to practice in another jurisdiction in the United States and who has been in the active practice of law in that jurisdiction, or any other jurisdiction in the United States to which he was appropriately admitted, for a period of at least 3 ~~years~~ one year. When an applicant shall have satisfied the board that the foregoing requirements have been fulfilled and has paid a fee fixed by the board and approved by the Supreme Judicial Court, he shall be eligible to take such written examination prepared or adopted by the board and such oral examination as the board deems appropriate to determine whether or not such applicant has the qualifications required by this chapter for admission to the bar. Upon such examination being completed, the board shall issue to each applicant who received the passing grade established by the board, or better, and who has satisfied the requirements and qualifications set forth in this chapter, a certificate of qualification recommending his admission to the bar.

Effective September 23, 1983.