

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

proceedings may be maintained in relation to the estate of an absent, disappeared or missing person for whose estate a conservator has been appointed at any time within the applicable limitation period, as set forth in this section, which shall begin to run after the conservator becomes able to establish the death of the protected person; and

(3) A proceeding to contest an informally probated will, and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of 12 months from the informal probate or the running of the applicable limitation period. These limitations do not apply to proceedings to construe probated wills or determine heirs of an intestate. In cases under paragraph (1) or (2), the date on which a testacy or appointment proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of the limitations provisions of this Code which relate to the date of death.

Effective September 23, 1983.

CHAPTER 257

H.P. 1123 - L.D. 1467

AN ACT to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits.

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

Sec. 1. 26 MRSA §1192, sub-§3, as amended by PL 1979, c. 651, §§23 and 47, is further amended to read:

3. Is able and available for work. He is able to work and is available for full-time work at his usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which his prior training or experience shows him to be fitted or qualified; and in addition to having complied with subsection 2 is himself actively seeking work in accordance with the regulations of the commission; provided that no ineligibility may be found solely because the claimant is

unable to accept employment on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant required to assist the unemployed individual who is a handicapped person; and provided that an unemployed individual who is neither able nor available for work due to good cause as determined by the commission shall be eligible to receive prorated benefits for that portion of the week during which he was able and available;

Sec. 2. 26 MRSA §1193, sub-§3, ¶B, as amended by PL 1977, c. 536, is further amended to read:

B. Notwithstanding any other provisions of this chapter, no work ~~shall~~ may be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;

(2) If the wages, hours or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; ~~and~~

(4) If the position offered is the same one previously vacated by the claimant for good cause attributable to that employment or is the position which the employee left for reasons attributable to that employment, but which were found insufficient to relieve disqualification for benefits under subsection 1, paragraph A, provided that, in either instance, the specific good cause or specific reasons for leaving have not been removed or otherwise changed; and

(5) If the position offered is on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is refused because of parental obligation, the need to care for an immediate family member, or the

unavailability of a personal care attendant
required to assist the unemployed individual
who is a handicapped person.

Effective September 23, 1983.

CHAPTER 258

H.P. 1148 - L.D. 1512

AN ACT Governing State Participation
in the Federal Job Training Partnership
Act.

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

Whereas, Maine has the right and privilege to participate in the Federal Job Training Partnership Act as provided in Public Law 97-300; and

Whereas, the Department of Labor is the agency of the State selected by the Governor to receive and expend federal funds allocated for the purpose of this Act; and

Whereas, Title 5, section 1669 requires legislative approval for expenditures of federal funds; and

Whereas, these funds are initially expected to be allocated to the Department of Labor within 30 days; 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 c. 25 is enacted to read: