

# 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

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
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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Maine Turnpike and on the interstate highway system in Maine, the State Police shall enforce this subsection.

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

Effective May 24, 1983.

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## CHAPTER 338

H.P. 1083 - L.D. 1429

AN ACT to Establish a State Standard for  
Funding Certain Workers under the Workers'  
Compensation Commission.

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

Whereas, some employers and insurance carriers designate unrealistic and unreasonably large amounts as woods equipment allowances in order to reduce employees' average weekly wages; and

Whereas, this practice unfairly reduces an injured woodsman's workers' compensation benefits and shifts an unfair burden to employers who accurately report actual wages and thus pay higher insurance rates; 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:

39 MRSA §2, sub-§2, ¶A, as amended by PL 1979, c. 367, is further amended to read:

A. "Average weekly wages, earnings of salary" of an injured employee shall be taken as the amount which he was receiving at the time of the injury for the hours and days constituting a regular full working week in the employment or occupation in which he was engaged when injured except that this shall not include any reasonable and custom-

ary allowance given to the employee by the employer for the purchase, maintenance or use of any chainsaws or skidders used in the employee's occupation, provided such employment or occupation had continued on the part of the employer for at least 200 full working days during the year immediately preceding said that injury. For purposes of this paragraph, a "reasonable and customary allowance" is the allowance provided in a negotiated contract between the employee and the employer, or if not provided for by a negotiated contract, an allowance determined by the Department of Labor, Bureau of Employment Security. Except that in the case of piece workers and other employees whose wages during said that year have generally varied from week to week, such wages shall be averaged in accordance with the method provided under paragraph B.

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

Effective May 24, 1983.

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## CHAPTER 339

H.P. 293 - L.D. 352

### AN ACT to Permit Barbers to Cut Hair Outside of Barber Shops.

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

Sec. 1. 32 MRSA §302, sub-§2, ¶F, as enacted by PL 1977, c. 398, §3, is amended to read:

F. Upon a hotel or motel occupant in that person's hotel or motel room; and

Sec. 2. 32 MRSA §302, sub-§2, ¶G is enacted to read:

G. Upon a person in the person's residence, if the barber maintains or is employed in a licensed barber shop.

Sec. 3. 32 MRSA §352, sub-§2, as amended by PL 1977, c. 694, §§550 and 551, is further amended to read:

2. Rules and regulations. The board shall make