

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,
SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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1985

confirmation by the Legislature, for staggered 4-year terms. Among the public members, there shall be 4 who shall be knowledgeable in at least one of each of the following areas: Commerce and industry; fisheries and wildlife; forestry; and conservation. Of the potential appointees to the commission, the Governor shall give consideration to persons residing in or near the unorganized areas of the State and at least one member shall be a resident of a town or plantation within the commission's jurisdiction.

Effective September 19, 1985.

CHAPTER 346

H.P. 594 - L.D. 864

AN ACT to Assist Workers' Displaced from Employment by Imports.

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

Whereas, the State has suffered severe job losses because of the increasing number of foreign-made products entering the United States, including the loss of over 4,000 jobs in the shoe industry alone in the past 4 years; and

Whereas, the loss of these jobs causes great hardship to the former workers and their families and increases the burden upon the public in general; and

Whereas, there has been limited knowledge of and confusion regarding certain federal programs designed to help retrain and reemploy these displaced workers, resulting in missed opportunities and unnecessary delay in taking advantage of these programs; 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 further

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

Sec. 1. 26 MRSA §1164, as amended by PL 1983, c. 351, §15, is further amended to read:

§1164. Special Administrative Expense Fund

The Special Administrative Expense Fund, as heretofore created, shall be a special fund in the State Treasury. All interest, fines and penalties collected under this chapter, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The moneys shall not be expended or available for expenditure in any manner which would permit their substitution for or a corresponding reduction in federal funds which would in the absence of said moneys be available to finance expenditures for the administration of the Employment Security Law. Nothing in this section shall ~~may~~ prevent the moneys from being used as a revolving fund to cover expenditures, necessary and proper under the law, for which federal funds have been duly requested but not yet received, subject to the charging of those expenditures against those funds when received. The moneys in this fund shall be used by the commissioner either for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the Employment Security Administration Fund on or after January 1, 1943, ~~or~~, to finance the Maine Wage Assurance Fund established in section 632; or for the payment of costs of administering chapter 26, for which federal funds are not available. The moneys shall be available either to satisfy the obligations incurred by the bureau directly or by requesting the Treasurer of State to transfer the required amount from the Special Administrative Expense Fund to the Employment Security Administration Fund or the Maine Wage Assurance Fund. The Treasurer of State shall upon receipt of a written request of the commissioner make any such transfer. The commissioner shall give notice to the commission prior to any expenditures from this fund. The commissioner shall order the transfer of the funds or the payment of any such obligation and the funds shall be paid by the Treasurer of State on requisitions drawn by the commissioner directing the State Controller to issue his warrant therefor. Any such warrant shall be drawn by the State Controller based upon bills of particulars and vouchers certified by an officer or employee designated by the commissioner. The moneys in this fund are specifically made available to replace, within a reasonable time, any moneys received by this State pursuant to section 302 of the Federal Social Security Act as amended, which because of any action or contingency, have been lost or have been expended for purposes other than,

or in amounts in excess of, those necessary for the proper administration of the Employment Security Law. The moneys in this fund shall be continuously available to the commissioner for expenditure in accordance with this section and shall not lapse at any time or be transferred to any other fund except as provided. Any moneys in the Special Administrative Expense Fund may be used to make refunds of interest, penalties or fines erroneously collected and deposited in the Special Administrative Expense Fund. On June 30th of each year all moneys in excess of \$100,000 in this fund shall be transferred to the Unemployment Compensation Fund, except that on June 30, 1985, all money in excess of \$100,000 in this fund shall be placed in a Dislocated Workers Fund to be used in fiscal year 1985-86 to provide training and supportive services for persons displaced from employment by imports in accordance with chapter 26. Eligibility for assistance shall not be related to an individual's income or resources.

Sec. 2. 26 MRSA c. 26 is enacted to read:

CHAPTER 26

TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

§2051. Trade adjustment assistance for workers

The Department of Labor may administer and operate a program of trade adjustment assistance to workers as provided under United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-618, Title 19, United States Code, Sections 2271 to 2322, referred to in this subchapter as the Act and any amendments and additions to the Act. The commissioner may promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to establish procedures implementing the Act.

§2052. Suits by the commissioner

The commissioner shall bring an action on behalf of one or more employees in any court of competent jurisdiction to challenge any adverse determination on a petition for certification, or part thereof, filed under the Act when he believes that determination to be erroneous.

§2053. Commissioner's report

The commissioner shall report to the Legislature on January 1, 1986, on the use of funds authorized to be used for training and supportive services under

section 1164. The commissioner shall also report on the training needs of other persons eligible for assistance under this chapter or Title III of the United States Job Training Partnership Act.

Sec. 3. Allocation. The following funds are allocated from the Dislocated Workers Fund to carry out the purposes of this Act.

1985-86

LABOR, DEPARTMENT OF

Dislocated Workers Program \$200,000

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

Effective June 14, 1985.

CHAPTER 347

H.P. 1028 - L.D. 1480

AN ACT to Adjust the Statutory Ceiling for the Certificate of Need Development Account.

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

Whereas, the approval of an unusually costly project may unduly deplete the resources available under the Certificate of Need Development Account for the approval of other smaller projects; and

Whereas, the 90-day period may not terminate until after the decision on the projects now being reviewed within the context of the Certificate of Need Development Account; 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: