

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

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

Sec. 1. 32 MRSA §4684, sub-§§4 and 5, as enacted by PL 1977, c. 440, §2, are amended to read:

4. Statement of yearly gross revenues. A statement of anticipated yearly gross revenues from sales of consumer merchandise in this State; and

5. Security deposits. Name and address of the person to whom security deposit made with the Department of Business Regulation pursuant to this chapter shall be returned; and

Sec. 2. 32 MRSA §4684, sub-§6 is enacted to read:

6. Sellers certificate. The number of a valid seller's registration certificate issued to the applicant by the State Tax Assessor pursuant to Title 36, chapter 211, or satisfactory evidence that the applicant is not required to be registered under that Title.

Effective July 16, 1986.

CHAPTER 591

H.P. 1508 - L.D. 2122

AN ACT to Improve Retraining Opportunities
for Dislocated Workers.

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 major industrial and structural changes in our economy; and

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

Whereas, there is an urgent need to enable these workers to participate in retraining programs by providing them with financial support during their period of retraining; and

Whereas, many workers presently in retraining programs feel they must drop out because they have lost the means to support themselves and their families while in training, as a result of the failure of Congress to reauthorize trade readjustment assistance allowances; 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 MRS §1043, sub-§1-A is enacted to read:

1-A. Annual average weekly wage. "Annual average weekly wage," as used to establish the maximum weekly benefit amount for purposes of this chapter, means 1/52 of aggregate total wages paid in Maine covered employment, as reported on employer contribution reports for the calendar year, divided by the arithmetic mean of midmonth weekly covered employment reported on employer contribution reports for the calendar year.

Sec. 2. 26 MRS §1043, sub-§5, ¶A, as repealed and replaced by PL 1965, c. 381, §2, is repealed.

Sec. 3. 26 MRS §1043, sub-§5, ¶B is enacted to read:

B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a training program approved under section 1192, subsection 6, 6-A or 6-B, who has exhausted his benefit year within 30 months of his enrollment in the training program, shall have his expired benefit year reopened and continued by one week for each week or part of a week that he is in such training, up to a maximum of 26 weeks, provided that no benefits may be paid under this paragraph to any person:

(1) Until the person has exhausted any unemployment insurance benefits for which he is eligible in a subsequent benefit year for which he has qualified;

(2) Until the person has exhausted benefits for which he is eligible under any extended unemployment insurance benefit program funded in whole or in part by the Federal Government;

(3) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act; or

(4) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.

Sec. 4. 26 MRSA §1191, sub-§4, ¶A is enacted to read:

A. If a dislocated worker, as defined in section 1196, subsection 1, who is in training approved under section 1192, subsection 6, 6-A or 6-B, qualifies for an extended benefit year under section 1043, subsection 5, paragraph B, or exhausts the maximum amount of benefits available to him under this subsection, the maximum amount under this subsection shall be increased by the product of his weekly benefit amount multiplied by the number of weeks in which he thereafter attends an approved training program. No increase may be made under this paragraph, with respect to any benefit year, greater than 26 times the individual's weekly benefit amount.

(1) Benefits paid to an individual under this paragraph shall not be charged against the experience rating record of any employer, but shall be charged to the general fund.

(2) No benefits may be paid under this paragraph to any person:

(a) Until the person has exhausted any unemployment insurance benefits for

which he is eligible in a subsequent benefit year for which he has qualified;

(b) Until the person has exhausted benefits for which he is eligible under any extended unemployment insurance benefit program funded in whole or in part by the Federal Government;

(c) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act; or

(d) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.

Sec. 5. 26 MRSA §1196 is enacted to read:

§1196. Extended benefits for dislocated workers in approved training; sunset and review

1. Dislocated worker defined. As used in this section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A, the term "dislocated worker" means:

A. An individual who:

(1) Has been terminated or laid off or who has received a notice of termination or lay-off from employment;

(2) Is eligible for or has exhausted his entitlement to unemployment compensation; and

(3) Is unlikely to return to his previous industry or occupation;

B. An individual who has been terminated or who has received a notice of termination of employ-

ment, as a result of any permanent closure of a plant or facility; or

C. An individual who is long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which he resides, including any older individual who may have substantial barriers to employment because of his age.

2. Annual report. The Commissioner of Labor shall report to the joint standing committee of the Legislature having jurisdiction over labor before March 1st of each year regarding the actions taken under section 1043, subsection 5, paragraph B, and section 1191, subsection 4, paragraph A. The report shall include:

A. The number of persons who receive benefits under those provisions;

B. The average length of time in training for persons who receive benefits under those provisions;

C. The average weekly benefit and average total amount of benefits paid to persons under those provisions;

D. The success rate in placing trainees who receive benefits under those provisions; and

E. The total cost of benefits paid under those provisions and the effect on the Unemployment Trust Fund.

3. Repeal. This section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A, are repealed:

A. Three years from the effective date of this section; or

B. If the reserve multiple determined under section 1221, subsection 4, paragraph C, is .245 or below.

Any person who has qualified to receive benefits under section 1043, subsection 5, paragraph B, or section 1191, subsection 4, paragraph A, at the time of

repeal under this subsection shall continue to be governed by the repealed provision.

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

Effective March 20, 1986.

CHAPTER 592

S.P. 831 - L.D. 2091

AN ACT to Coordinate Board of Pesticides
Control Registration.

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

7 MRSA §607, sub-§8, ¶A, as enacted by PL 1975, c. 382, §3, is amended to read:

A. Provided the State is ~~certified~~ authorized by the Administrator of EPA the United States Environmental Protection Agency to register pesticides pursuant to ~~Section~~ Sections 24(a) and 24(c) of FIFRA, the ~~commissioner~~ board shall consider the required information set forth under subsections 2, 3, 4 and 5 and shall, subject to the terms and conditions of the EPA United States Environmental Protection Agency certification, register such pesticide if he ~~it~~ determines that:

- (1) Its composition is such as to warrant the proposed claims for it;
- (2) Its labeling and other material required to be submitted comply with the requirements of this subchapter;
- (3) It will perform its intended function without unreasonable adverse effects on the environment;
- (4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment; and
- (5) A ~~special~~ ~~local~~ need for the pesticide exists.