

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

license, including applications for mobile home park expansion and renewal of license.

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

Effective March 25, 1986.

CHAPTER 601

H.P. 1441 - L.D. 2033

AN ACT to Make Clarifications in the
Laws of Maine Relating to the Workers'
Compensation Act.

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

Whereas, legislation was passed at the First Regular Session of the 112th Legislature relating to workers' compensation which resulted in certain conflicts, duplication and omissions in the laws of Maine; and

Whereas, it is necessary that these conflicts, duplications and omissions be resolved in order to facilitate the interpretation of legislative intent and the implementation of reform legislation regarding vocational rehabilitation revisions in the Workers' Compensation Act; and

Whereas, the reform legislation regarding vocational rehabilitation revisions in the Workers' Compensation Act was passed on an emergency basis at the First Regular Session of the 112th Legislature; 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. 5 MRSA §953, as enacted by PL 1985, c. 65, §1 and by PL 1985, c. 372, Pt. A, §2, is repealed and the following enacted in its place:

§953. Workers' Compensation Commission

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Workers' Compensation Commission. Notwithstanding any other law, these positions and their successor positions shall be subject to this chapter:

A. Assistant to the chairman; and

B. Rehabilitation Administrator, Office of Employment Rehabilitation.

Sec. 2. 39 MRSA §54-A, sub-§1, as enacted by PL 1985, c. 372, Pt. A, §17, is repealed and the following enacted in its place:

1. Sheltered workshops. The \$25 weekly minimum compensation limitation under this section does not apply to a handicapped individual who is employed by a sheltered workshop and who claims compensation under this section. "Sheltered workshop" means a facility, certified by the United States Department of Labor regulations covering employment of handicapped clients, engaged in production or service operation for the primary purpose of providing gainful employment for those who cannot be readily absorbed in the competitive labor market, or of providing interim employment during such time as employment opportunities for them in the competitive labor market do not exist.

Sec. 3. 39 MRSA §58-A, sub-§1, as enacted by PL 1985, c. 372, Pt. A, §25, is repealed and the following enacted in its place:

1. Sheltered workshops. The \$25 weekly minimum compensation limitation under this section does not apply to a handicapped individual who is employed by a sheltered workshop and who claims compensation under this section. "Sheltered workshop" means a facility, certified by the United States Department of Labor regulations covering employment of handicapped clients, engaged in production or service operation for the primary purpose of providing gainful employment for those who cannot be readily absorbed in the competitive labor market, or of providing interim em-

ployment during such time as employment opportunities for them in the competitive labor market do not exist.

Sec. 4. 39 MRSA §92, sub-§2, as repealed and replaced by PL 1985, c. 63, Pt. G, and c. 65, §2, is repealed and the following enacted in its place:

2. Employees. The chairman shall appoint an assistant to the chairman, who shall serve at his pleasure. Subject to the Personnel Law, the chairman shall appoint a Director of Administrative Services, full-time or part-time reporters and such legal, professional and clerical assistants as may be necessary.

Sec. 5. 39 MRSA §92, sub-§6, as amended by PL 1985, c. 65, §3 and c. 372, Pt. A, §30, is repealed and the following enacted in its place:

6. Office of Employee Assistants. The chairman shall provide adequate funding for an Office of Employee Assistants and shall, subject to the Personnel Law, appoint the assistants to staff the Augusta office and district offices. Assistants are not attorneys, but should demonstrate a level of expertise roughly equivalent to that of insurance claims' analysts. The purpose of employee assistants is to provide advice and assistance to employees under this Act and particularly to assist employees in preparing for and assisting at informal conferences under section 94-B. In addition, if an employer appeals a decision of the commission or institutes any proceeding against an employee under this Act, the Office of Employee Assistants shall, upon request, advise an employee how to best prepare for and proceed with his case.

No employee of the Office of Employee Assistants may represent before the commission any insurer, self-insurer, group self-insurer, adjusting company or self-insurance company for a period of 2 years after terminating employment with the office.

The chairman shall appoint 6 employee assistants. After January 1, 1984, the chairman may appoint up to 4 additional assistants if, in the chairman's judgment, the additional assistants are necessary to effectuate the purposes of this subsection.

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

Effective March 25, 1986.

CHAPTER 602

S.P. 846 - L.D. 2138

AN ACT to Clarify the Law Relating to
Authorization for Disinterment or
Removal.

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

22 MRSA §2843, sub-§2 is repealed and the following enacted in its place:

2. Permit for disinterment or removal. No dead human body may be disinterred or removed from any vault or tomb until the person in charge of the disinterment or removal has obtained a permit from the clerk of the municipality where the dead human body is buried or entombed. The permit shall be issued upon receipt of a notarized application signed by the next of kin of the deceased who shall verify that he is the closest surviving known relative and, where other family members of equal or greater legal or blood relationship also survive, that they are aware of, and do not object to, the disinterment or removal. Nothing contained in this subsection precludes a court of competent jurisdiction from ordering or enjoining disinterment or removal pursuant to section 3029 or in other appropriate circumstances.

Effective July 16, 1986.

CHAPTER 603

S.P. 713 - L.D. 1838

AN ACT to Correct Some Inconsistencies in the
Law Relating to the Financing of
Services in the Unorganized Territory.