

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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PUBLIC LAWS

OF THE

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ate as deeds until the law pertaining to these abstracts is clarified; and

Whereas, these objections to the title to certain property cause uncertainty, inconvenience, expense and delay in certain real estate transactions; and

Whereas, these problems can be alleviated by an immediate amendment of the law pertaining to abstracts of divorce decrees; 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. 19 MRSA §725, sub-§2, as enacted by PL 1983, c. 748, §1, is amended to read:

2. Decree or abstract as deed. Any rights acquired under sections 721 and 723 on or before December 31, 1971 and all rights under section 722-A by a party in the real estate of a party are effectual against any person when the decree of divorce, or an abstract thereof, setting forth the names ~~and residence~~ of the parties, the date of the decree and the court where granted, is filed in the registry of deeds for the county or registry district where the real estate is situated. The failure of a party to record the decree or an abstract within any time period formerly prescribed by this section shall not affect the rights of that party as against the other party, his heirs and devisees. The recording of such a decree or abstract, in the manner provided in this section, shall have the force and effect of a quitclaim deed releasing all interest in the real estate described in the decree or abstract, whether the interest is in fee or by statute.

Sec. 2. 33 MRSA §353-A, as amended by PL 1981, c. 698, §165, is further amended by adding at the end a new paragraph to read:

All abstracts of divorce decrees recorded in any registry of deeds prior to the effective date of this paragraph and otherwise valid, which failed to state the residence of any party to the divorce action are validated and shall have the force and effect of a quitclaim deed releasing all interest in the real estate described in the decree or abstract.

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

Effective March 24, 1987.

CHAPTER 16

H.P. 62 — L.D. 65

AN ACT Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of 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, records of the Department of Human Services, Unit of Rehabilitation Services, are confidential; and

Whereas, investigative information records, correspondence and reports of investigation in connection with violations of law are generally considered confidential and not subject to public release or inspection; and

Whereas, public access to rehabilitation and investigative information and records may interfere with the ability of the commission to operate efficiently and effectively, may result in public dissemination of information in which there is no legitimate public interest or may expose injured workers to undesired solicitation or harassment; and

Whereas, the legislation creating the Office of Employment Rehabilitation and the Unit of Abuse Investigation 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. 39 MRSA §82, sub-§4 is enacted to read:

4. Access to records. Except for purposes directly connected with the administration of the Office of Employment Rehabilitation, no person may solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning individuals applying for or receiving rehabilitation, directly or indirectly derived from the records, papers, files or communications of the Office of Employment Rehabilitation or acquired in the course of the performance of official duties.

This subsection does not prevent any employee or his employer from obtaining or viewing information relating to the rehabilitation of that employee under this subchapter.

Sec. 2. 39 MRSA §92, sub-§9, ¶B, as enacted by PL 1985, c. 372, Pt. A, §31, is amended to read:

B. The unit shall, at the direction of the chairman, investigate all complaints or allegations of fraud, illegal or improper conduct or violation of this Act or rules of the commission relating to workers' compensation insurance, benefits or programs, including those acts by employers, employees or insurers. All records, correspondence and reports of investigation in connection with actual or alleged fraud, illegal or improper conduct or violation of this Act or rules of the commission and all records, correspondence and reports of criminal prosecution or civil action shall be confidential. The confidential nature of any such record, correspondence or report shall not limit or affect the use of those materials in any prosecution or action.

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

Effective March 24, 1987.

CHAPTER 17

H.P. 117 — L.D. 142

AN ACT to Amend the Employment Security Law Regarding Full-time Students in the Employ of Organized Camps to Conform with the Federal Unemployment Tax Act.

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1985, c. 302, is further amended to read:

F. The term "employment" shall not include:

(1) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions, except as provided by this subsection;

(2) Service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that on and after January 1, 1940 to the extent that the Congress of the United States has permitted states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation or employment security law, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this State shall not be certified for any year by the Secretary of Labor under section 3304 of the Federal Internal Revenue Code, the payments required of such instrumentalities with

respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 1225, subsection 5, with respect to contributions erroneously collected;

(3) Service with respect to which unemployment compensation is payable under an unemployment compensation system or employment security system established by an Act of Congress. The commissioner is authorized and directed to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective 10 days after publication thereof in the manner provided in section 1082, subsection 2, for regulations, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter;

(4) Agricultural labor as defined in subsection 1, except as provided in paragraph A-2;

(4-1) Agricultural labor in the harvesting of apples, if performed by an individual who is an alien, other than a citizen of a contiguous country with which the United States has an agreement with respect to unemployment compensation, admitted to the United States to perform agricultural labor pursuant to the United States Immigration and Nationality Act, Sections 214(c) and 101(a) (15) (H);

(5) Domestic service in a private home, except as provided in paragraph A-3;

(6) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(6-1) Services performed by a student attending an elementary or secondary school while participating in a cooperative program of education and occupational training;

(9) Service performed with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act (52 Stat. 1094);

(10) Services performed in the employ of any other state, or any political subdivision thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more states or political subdivisions; and any services performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune under the Constitution of the Unit-