

# 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  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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otherwise flush out of the certification program, upon application for certification by the grower of the seed and when the commissioner finds the following:

- A. The variety has not been released to the public;
- B. The first application to the commissioner for certification and inspection of the variety was made prior to 1982;
- C. The grower now making application to the commissioner grew seed potatoes of this variety in this State which seed was certified in this State in 1986;
- D. The seed for which application is now made meets all other requirements and standards of the certification program; and
- E. The grower's only source of seed of the variety is through the granting of the waiver.

8. Grower's own seed. Any potato grower in this State, who is propagating seed stock pursuant to authorization for grower's own seed plot provided by the rules governing certification of seed potatoes in the State and whose application to the commissioner for certification and inspection of a variety that has not been released to the public was first made prior to 1982, is exempt from the requirement to comply with subsection 4 for seed potatoes grown in a grower's own seed plot; provided that the production from that seed is sold only as chip stock to be processed in this State.

Effective September 29, 1987.

## CHAPTER 337

H.P. 1160 — L.D. 1586

### AN ACT to Amend the Insurance Code Regarding Rates and Rating Organizations.

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

24-A MRS §2308, as amended by PL 1973, c. 585, §12, is repealed and the following enacted in its place:

#### §2308. Excess rates

1. A rate in excess of that provided by a filing otherwise applicable may be used on any specific risk, providing that the following requirements are satisfied.

- A. The insured files a written application with the superintendent stating the reasons for the request.
  - B. The superintendent assents to the use of an excess rate for the specific risk.
2. To promote the availability of coverage in lines of

insurance when coverage is difficult to obtain or unavailable, a form more restrictive than that provided by filings otherwise applicable may be used on any specific risk, provided that the following requirements are satisfied.

- A. The restrictive form and applicable rates are filed with the bureau.
- B. A disclosure statement detailing the nature of the restriction or restrictions contained in the form and the manner in which the provisions of the restrictive form differ from an otherwise applicable filing is provided to and acknowledged by the applicant for insurance.
- C. A copy of the disclosure statement and the written application for insurance submitted by the applicant are submitted to the bureau.
- D. The superintendent does not disapprove the use of the restrictive form in the specific case.

The period during which a restrictive form may be employed, consistent with this subsection, is for the maximum period of one year. At any subsequent policy renewal, the provisions of this subsection must again be satisfied.

Effective September 29, 1987.

## CHAPTER 338

H.P. 1161 — L.D. 1587

### AN ACT Relating to Refusal to Appear and Taxable Wages under the Employment Security Law.

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

**Sec. 1.** 26 MRS §1043, sub-§19, ¶C, as amended by PL 1985, c. 348, §2, is further amended to read:

C. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this paragraph, the term "previously uncovered services" means services:

- (1) Which were not employment as defined in subsection 11, and were not services covered pursuant to section 1222, at any time during the one-year period ending December 31, 1975; and
- (2) Which:
  - (a) Are agricultural labor, as defined in subsection 11, paragraph A-2 or domestic service as defined in subsection 11, paragraph A-3, or

(b) Are services performed by an employee of this State or a political subdivision thereof, or any of their instrumentalities as provided in subsection 11, paragraph A-1, subparagraph (1), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in subsection 11, paragraph F, subparagraph (21), division (i);

except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services; and

Sec. 2. 26 MRSA §1043, sub-§19, ¶D, as enacted by PL 1985, c. 348, §2, is amended to read:

D. Nothing in this subsection may be construed to include as wages any payment which is not included as wages under the Federal Unemployment Tax Act, 26 United States Code, Section 3306(b)(5) and (r), as amended, as of January 1, 1985; and

Sec. 3. 26 MRSA §1043, sub-§19, ¶E is enacted to read:

E. Nothing in this subsection may be construed to exclude from wages any remuneration which is:

(1) Taxable under any federal law that imposes a tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or

(2) Required to be covered under this chapter as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act.

Sec. 4. 26 MRSA §1082, sub-§9-A, as enacted by PL 1979, c. 515, §11, is amended to read:

9-A. Refusal to appear. Any person who shall without just cause fail fails or refuse refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if it is in his power to do so, in obedience to a subpoena of the commissioner, the commission, the appeal tribunal or the duly authorized representative of either any of them shall be guilty of a Class E crime. Whenever a person refuses to obey a subpoena duly issued by the commissioner, the commission, the appeal tribunal or the duly authorized representative of either any of them, any court of this State within the jurisdiction of which the person resides or transacts business, shall have jurisdiction to issue to that person an order requiring him to appear and produce evidence or testimony and any failure to obey that order may be punished by the court as contempt thereof.

Effective September 29, 1987.

## CHAPTER 339

H.P. 808 — L.D. 1082

### AN ACT Relating to Reimbursement of Counties for Costs Associated with Operations of the County Jails.

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

Whereas, the purpose of this legislation is to help counties in the operation of their jails by adding a surcharge to fines, forfeitures and penalties; and

Whereas, without an emergency clause, this legislation will in effect treat people differently for the same or similar violations simply due to the time at which the violation occurred; and

Whereas, this will not be perceived as equal justice for all; 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. 4 MRSA §116, as enacted by PL 1975, c. 408, §12, is amended to read:

#### §116. Funds of court

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties, fees and costs shall accrue to the State, except as otherwise provided under section 1057, Title 12, sections 3055 and 4508, Title 23, section 1653 and Title 29, section 2302.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1979, c. 127, §13, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, bail forfeitures and fees collected in any division of the District Court shall be paid to the clerk thereof, who shall deposit them in a special account within 72 hours of their receipt. Once each month, he shall remit such sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, he shall remit such sums as have been collected in accordance with section 1057.

The court shall file a monthly report with the State Auditor itemizing the amount of fines imposed and to whom each is payable.