

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

incorporate the results of previous investigations conducted pursuant to the United States Water Pollution Control Act, Section 208. The study shall include recommendations for land use management and other related techniques designed to mitigate the effects of indirect discharges. The study shall commence on July 1, 1987. The study shall be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources ~~on or before January 1 by February 29, 1988.~~

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

Effective February 10, 1988.

CHAPTER 568

H.P. 1494 — L.D. 2044

AN ACT to Exempt Deeds of Distribution from the Transfer Tax Filing Requirement.

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

Sec. 1. 36 MRSA §4641-D, sub-§§4 and 5, as enacted by PL 1977, c. 318, §2, are amended to read:

4. Deed affecting previous deed. Any deed which, without additional consideration, confirms, corrects, modifies or supplements a previously recorded deed; and

5. Deed dated prior to October 1, 1975. Any deed dated or acknowledged prior to October 1, 1975, and offered for recording after that date; and

Sec. 2. 36 MRSA §4641-D, sub-§6 is enacted to read:

6. Deed of distribution. Any deed of distribution made pursuant to Title 18-A.

Effective August 4, 1988.

CHAPTER 569

H.P. 1613 — L.D. 2206

AN ACT to Postpone the Effective Date for the Use of Biodegradable Escape Panels on Lobster Traps.

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

Whereas, the Commissioner of Marine Resources has adopted a rule requiring biodegradable escape panels on all lobster traps by January 1, 1988; and

Whereas, there is considerable confusion among lobster fishermen regarding the escape panel requirement, as well as other impending changes in the regulation of lobster fishing; and

Whereas, it is advisable to avoid confusion and to clarify the legal requirements relating to lobster fishing; 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:

12 MRSA §6433-A is enacted to read:

§6433-A. Biodegradable escape panels

Beginning January 1, 1990, all lobster traps must be equipped with a biodegradable ghost panel. A "ghost panel" is an escape panel which is designed to release lobsters from traps which are lost while fishing. The commissioner shall, by rule, provide for implementation of this requirement. The commissioner may not require ghost panels prior to January 1, 1990.

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

Effective February 10, 1988.

CHAPTER 570

H.P. 1585 — L.D. 2163

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, administrative funds are vitally necessary to continue the operation of the Dislocated Workers' Training Program; 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 MRSA §1043, sub-§5, ¶B, as amended by PL 1987, c. 402, Pt. A, §157, is further amended 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, shall be entitled to the product of his most recent weekly benefit amount multiplied by the number of weeks in which that person is in an approved training program, 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;~~

~~(1-A) Until the person has exhausted benefits for which that person is eligible under any unemployment insurance benefit program funded in whole or in part by the State Government or Federal Government;~~

~~(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, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; 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. 2. 26 MRSA §1191, sub-§4, ¶A, as repealed and replaced by PL 1985, c. 814, Pt. J, §2, is amended 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~~ additional benefits under section 1043, subsection 5, paragraph B, or exhausts ~~the maximum amount of his entitlement to~~ benefits available to him under this subsection, the maximum amount under this subsection shall be ~~increased by~~ the product of his most recent 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 period, 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 State Government or 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, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; 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. 3. 26 MRSA §1192, sub-§6-C is enacted to read:

6-C. Prohibition against disqualification of individuals in approved training under section 1196. Notwithstanding any other provision of this chapter, no otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the commission, under rules adopted by the commission with the advice and consent of the commissioner, nor may that individual be denied benefits by reason of leaving work to enter that training, provided that the work left is not suitable employment.

For purposes of this subsection, the term "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment.

Sec. 4. 26 MRSA §1196, sub-§3, ¶A, as enacted by PL 1985, c. 591, §5, is repealed and the following enacted in its place:

A. February 1, 1992; or

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>LABOR, DEPARTMENT OF</u>		
Job Training Partnership Program		
Personal Services	\$ 13,000	\$ 52,000
All Other	287,000	123,000
 Total	 \$300,000	 \$175,000
Provides funds to meet additional job training demands.		

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

Effective February 10, 1988.

CHAPTER 571

H.P. 1425 — L.D. 1936

AN ACT to Extend the Sunset Review Period for Rate Regulation Reform for Certain Electric Utilities.

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

35-A MRSA §3505, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§3505. Sunset provision

This section and sections 3501 to 3504 are repealed on ~~June 30, 1989~~ October 1, 1992, pending review by the joint standing committee of the Legislature having jurisdiction over utilities and unless continued by legislative Act.

Effective August 4, 1988.

CHAPTER 572

H.P. 1530 — L.D. 2084

AN ACT Concerning Elected Clerks Handling Absentee Ballots.

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

Whereas, preparations for the absentee balloting process are already underway to allow for the timely

printing and delivery of these ballots in advance of when they are needed for municipal elections this spring; and

Whereas, under Public Law 1987, chapter 364, which was enacted in the First Regular Session of the 113th Legislature, municipal clerks who are also candidates who will be elected by written ballot subject themselves to Class D criminal penalties if they in any way "handle" absentee ballots; and

Whereas, this new law is severely hampering elected clerks' ability to conduct their traditional and necessary supervision of the absentee balloting process; and

Whereas, this law must, at the earliest possible opportunity, be repealed for those clerks who are candidates for their office in uncontested elections to ensure that they may perform their official duties this spring; 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:

21-A MRSA §791, sub-§2, ¶B, as enacted by PL 1987, c. 364, is amended to read:

B. Notwithstanding this subchapter, a candidate who delivers, receives, accepts, notarizes or witnesses an absentee ballot, other than his own absentee ballot, furnished by the clerk of a municipality in this State. This paragraph does not apply to an elected municipal clerk who is a candidate for the office of municipal clerk in an election where no other name for the office of clerk appears on the ballot. In a contested election for the office of clerk, a clerk shall not be exempted from the provisions of this paragraph, but shall instead appoint a deputy or an assistant to whom the municipality shall pay all associated costs for the duration of the deputy's or assistant's temporary employment in that capacity; or

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

Effective February 12, 1988.

CHAPTER 573

S.P. 839 — L.D. 2176

AN ACT to Clarify the Laws Relating to Notaries Public.

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