

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with intent to cause inconvenience, annoyance or alarm to any other person.

See title page for effective date.

CHAPTER 560

H.P. 482 - L.D. 676

An Act to Allow Unemployment Compensation Benefits to be Payable to Individuals Who are Forced to Leave Employment to Protect Their Health and Safety

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

Sec. 1. 26 MRSA §1043, sub-§7-B is enacted to read:

7-B. Domestic abuse. "Domestic abuse" means any of the following acts between any family or household members or sexual partners whether or not they have lived together:

A. Attempting to cause or causing bodily injury or offensive physical contact including sexual assaults;

B. Attempting to place or placing another in fear of bodily injury through any course of conduct including, but not limited to, threatening, harassing or tormenting behavior;

C. Compelling a person by force, threat of force or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage;

D. Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by: removing that person from that person's residence, place of business or school; moving that person a substantial distance from the vicinity where that person was found; or confining that person for a substantial period either in the place where the restriction commenced or in a place to which that person has been moved;

E. Communicating to a person a threat to commit, or cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or

F. Repeatedly intimidating or harassing a person with the intention of causing fear or intimidation.

Sec. 2. 26 MRSA §1193, sub-§1, ¶A, as amended by PL 1987, c. 365, §1, is repealed and the following enacted in its place:

A. For the week in which the claimant left regular employment voluntarily without good cause attributable to that employment. The disqualification continues until the claimant has earned 4 times the claimant's weekly benefit amount in employment by an employer. A claimant may not be disqualified under this paragraph if:

(1) The leaving was caused by the illness or disability of the claimant or an immediate family member and the claimant took all reasonable precautions to protect the claimant's employment status by promptly notifying the employer of the reasons for the absence and by promptly requesting reemployment when again able to resume employment;

(2) The leaving was necessary to accompany, follow or join the claimant's spouse in a new place of residence and the claimant can clearly show within 14 days of arrival at the new place of residence an attachment to the new labor market, and the claimant is in all respects able, available and actively seeking suitable work;

(3) The leaving was in good faith in order to accept new employment on a permanent full-time basis and the new employment did not materialize for reasons attributable to the new employing unit; or

(4) The leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment.

See title page for effective date.

CHAPTER 561

H.P. 164 - L.D. 249

An Act to Make Changes in the Quahog Tax Laws

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

Sec. 1. 12 MRSA §6731-A, sub-§5 is enacted to read:

5. Toxin Monitoring Fund. The Toxin Monitoring Fund is established within the department. The commissioner shall use any money credited to the Toxin Moni-

toring Fund exclusively for the collection of samples required under this section to monitor the level of paralytic shellfish toxin in mahogany quahogs. All money in the Toxin Monitoring Fund is subject to allocation by the Legislature. The Toxin Monitoring Fund may not lapse but must carry forward to be used for the same purpose. Nothing in this subsection prohibits the commissioner from using other funds budgeted by the department to carry out the purposes of this section.

Sec. 2. 36 MRSA §4718 is enacted to read:

§4718. Contributions; Toxin Monitoring Fund

The State Tax Assessor shall determine annually the total amount of tax revenue collected under this chapter. The State Tax Assessor shall deduct the cost of administering the mahogany quahog tax from those revenues and report the remainder to the Treasurer of State, who shall credit that amount to the Toxin Monitoring Fund established in Title 12, section 6731-A, subsection 5, except that not more than \$16,000 may be credited to the fund in any year. Revenues collected that are in excess of \$16,000 must be credited to the General Fund.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
MARINE RESOURCES, DEPARTMENT OF		
Toxin Monitoring Fund		
All Other	\$12,500	\$16,000
Provides funds to collect samples for mahogany quahog toxin testing.		

See title page for effective date.

CHAPTER 562

S.P. 646 - L.D. 1691

An Act to Assist Municipalities to Design Growth Management Strategies That Are Compatible with Rural Landscapes

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

5 MRSA §13111, sub-§9 is enacted to read:

9. Contracts. The director may administer a contract or a series of contracts, within available resources, with a department in the University of Maine System that offers a degree program in New England studies

for the purpose of providing analysis and recommendations addressing the visual and pattern implications of land use standards on the landscape to rural municipalities in the development and evaluation of rural and growth district designations required under Title 30-A, section 4326, subsection 3, paragraph A.

See title page for effective date.

CHAPTER 563

S.P. 273 - L.D. 732

An Act Providing a Procedure for the Termination of the Degree-granting Authority of Educational Institutions

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

Sec. 1. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1989, c. 502, Pt. A, §9, is amended to read:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 10, section 8003, subsection 5; Title 20-A, sections 10712 and 10713; Title 29; Title 32, chapter 113; and Title 35-A, section 3132, the Administrative Court ~~shall have~~ has exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and ~~shall have~~ has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The Administrative Court ~~shall have~~ has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, ~~no~~ a licensing agency may not reinstate or otherwise affect a license suspended, revoked or modified by the Administrative Court pursuant to a complaint filed by the Attorney General, without the approval of the Attorney General.

Sec. 2. 5 MRSA §10051, sub-§1, as amended by PL 1989, c. 203, §1, is further amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 20-A, sections 10712 and 10713; Title 29; and Title 35-A, section 3132, the Administrative Court ~~shall have~~ has exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency and ~~shall have~~ has original jurisdiction upon complaint