

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Sec. 2. 29 MRSA §252-I**, as enacted by PL 1991, c. 600, §1 and affected by §3, is repealed and the following enacted in its place:

**§252-I. Special veterans registration plates**

Beginning September 1, 1992, the Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 242 and a one-time additional fee of \$5, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates to any person who has served in the United States Armed Forces and who has been honorably discharged.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, or certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

**Sec. 3. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1991-92	1992-93
<b>SECRETARY OF STATE, DEPARTMENT OF THE</b>		
<b>Administration - Motor Vehicles</b>		
All Other	(\$113,845)	(\$5,692)
Deallocates funds no longer required to manufacture the special license plates pursuant to Public Law 1991, chapter 600.		
<b>Administration - Motor Vehicles</b>		
All Other		\$113,845
Provides funds for materials and general operating expenses required to manufacture generic veterans plates for any veteran of the military service who has been honorably discharged.		
<b>DEPARTMENT OF THE SECRETARY OF STATE TOTAL</b>	<u>(\$113,845)</u>	<u>\$108,153</u>

**Sec. 4. PL 1991, c. 758, §5** is repealed.

**Sec. 5. Effective date.** The section of this Act that repeals Public Law 1991, chapter 758, section 5 takes effect June 29, 1991.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 9, 1992, unless otherwise indicated.

**CHAPTER 870**

**H.P. 1486 - L.D. 2098**

**An Act to Reform Unemployment Compensation Guidelines in Maine**

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

**Whereas,** certain individuals who have earned enough wages to qualify for unemployment compensation benefits are found ineligible because the distribution of those wages does not satisfy the earned wage requirement; and

**Whereas,** these individuals have no option but to turn to general assistance, thereby placing a significant burden on municipalities and local property taxpayers; 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-§3-A** is enacted to read:

**3-A. Alternate base period.** For benefit years effective on or after September 27, 1992 and prior to December 31, 1994, for any individual who fails to meet the eligibility requirements of section 1192, subsection 5, in the base period as defined in subsection 3, the Department of Labor shall make a redetermination of eligibility based on a base period that consists of the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year. This base period is known as the "alternate base period." If wage information for the most recent quarter of the alternate base period is not available to the department from regular quarterly reports of wage information that is systematically accessible, the department shall gather the necessary data in accordance with rules established for this purpose.

If the department receives information from the employer that causes a revised monetary determination under this subsection, benefits received prior to that revision may not constitute an overpayment of benefits provided the claimant did not knowingly misrepresent information requested by the department.

Wages that fall within the base period of claims established under this subsection are not available for reuse in qualifying for any subsequent benefit years under section 1192.

In the case of a combined-wage claim pursuant to the arrangement approved by the United States Secretary of Labor in accordance with section 1082, subsection 12, the base period is that base period applicable under the unemployment compensation law of the paying state.

**Sec. 2. 26 MRSA §1191, sub-§2**, as repealed and replaced by PL 1983, c. 862, §75, is amended to read:

**2. Weekly benefit amount for total unemployment.**

Each eligible individual establishing a benefit year on and after October 1, 1983, who is totally unemployed in any week shall be paid with respect to that week, benefits equal to 1/22 of the wages, rounded to the nearest lower full dollar amount, paid to him in the high quarter of his base period, but not less than \$12. The maximum weekly benefit amount for claimants requesting insured status determination beginning October 1, 1983, and thereafter from June 1st of a calendar year to May 31st of the next calendar year shall not exceed 52% of the annual average weekly wage, rounded to the nearest lower full dollar amount, paid in the calendar year preceding June 1st of that calendar year. No increase in the maximum weekly benefit amount may occur for the period from June 1, 1992 to May 31, 1993. The maximum weekly benefit amount in effect from June 1, 1993 to May 31, 1994 shall be 52% of the annual average weekly wage paid in calendar year 1992, rounded to the nearest lower full dollar amount, minus half of the increase that, but for the preceding sentence, would have occurred on June 1, 1992.

**Sec. 3. 26 MRSA §1192, sub-§6**, as amended by PL 1983, c. 129, is further amended to read:

**6. Approved training.** Notwithstanding any other provisions of this chapter, any otherwise eligible claimant in training, as approved for ~~him~~ the claimant by the commission, under rules adopted by the commission with the advice and consent of the commissioner, ~~shall may~~ not be denied benefits for any week with respect to subsection 3, relating to availability and the work search requirement or the provisions of section 1193, subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible claimant. Benefits paid to any eligible claimant while in approved training, for which, except for this subsection, the claimant could be disqualified under section 1193, subsection 3, ~~shall may~~ not be

charged against the experience rating record of any employer but ~~shall~~ must be charged to the General Fund.

**Sec. 4. Furlough days for federally allocated positions in the Department of Labor.** For the purposes of carrying out the activities of this Act and other activities with the Department of Labor and subject to the approval of the parties signatory to any applicable collective bargaining agreement, federally allocated positions within the Department of Labor may not be subject to discretionary furlough days and shutdown days.

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

Effective April 9, 1992.

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## CHAPTER 871

### H.P. 1540 - L.D. 2173

#### An Act to Amend the Laws Concerning the Maine State Housing Authority and the Finance Authority of Maine

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

**Sec. 1. 10 MRSA §373, sub-§2**, as enacted by PL 1987, c. 817, §2, is amended to read:

**2. Terms.** The members appointed by the Governor ~~shall be appointed~~ serve for terms of 4 years. All other members ~~shall~~ serve during their tenure in the position ~~which that~~ they represent on the board. Any vacancy ~~shall be~~ is filled in the same manner as the original appointment for the unexpired term of that position. Members appointed by the Governor upon completion of the terms of the initial members are appointed as follows:

- A. One member for one year;
- B. Two members for 2 years;
- C. Two members for 3 years; and
- D. Two members for 4 years.

Thereafter, the terms of office of members appointed by the Governor are for 4 years.

**Sec. 2. 30-A MRSA §4741, sub-§15**, as amended by PL 1991, c. 629, §2, is further amended to read:

**15. State weatherization, conservation and fuel assistance agency.** The Maine State Housing Authority is designated the weatherization, energy conservation and