

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.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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Sec. 2. 26 MRSA §1191, sub-§2, as repealed and replaced by PL 1983, c. 862, §75, is amended to read: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

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

fuel assistance agency for the State and may apply for, receive, distribute and administer federal funds on behalf of the State for weatherization, energy conservation and fuel assistance pursuant to the Weatherization Assistance for Low-income Persons Program administered through the United States Department of Energy and the Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services in accordance with rules adopted under the Maine Administrative Procedure Act; and

Sec. 3. 30-A MRSA §4741, sub-§16, as enacted by PL 1991, c. 629, §3, is amended to read:

16. Certification of bonds. The director of the Maine State Housing Authority is the State's designee to certify to the United States Secretary of the Treasury that housing-related bonds issued in the State satisfy the applicable ceiling requirements of the federal Internal Revenue Code; and

Sec. 4. 30-A MRSA §4741, sub-§17 is enacted to read:

17. Comprehensive housing affordability strategy coordinator. The Maine State Housing Authority is designated the comprehensive housing affordability strategy coordinator for the State and has the power to prepare and submit on behalf of the State the annual comprehensive housing affordability strategy called for in the Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625 (1990) and to undertake all monitoring and certification procedures required under that law. The Maine State Housing Authority shall represent the State in carrying out the HOME Investment Partnerships Program created by the Cranston-Gonzalez National Affordable Housing Act.

Sec. 5. 30-A MRSA §4907, sub-§1, as amended by PL 1991, c. 574, §3, is further amended to read:

1. Limitations on amount of outstanding principal. The Maine State Housing Authority may not at any time have an aggregate principal amount outstanding, in excess of ~~\$1,050,000,000~~ \$1,150,000,000 of mortgage purchase bonds secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4906, subsection 3, paragraph A applies. Mortgage purchase bonds of the Maine State Housing Authority secured by capital reserve funds to which section 4906, subsection 3, paragraph A does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement of guaranty with a banking or other financial organization or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount outstanding at any time not to exceed \$300,000,000.

Sec. 6. 30-A MRSA §5055, as amended by PL 1991, c. 610, §24, is further amended to read:

§5055. Models for urban housing revitalization; evaluation

The state authority and the interagency task force shall develop models for the revitalization of deteriorating residential areas in urban areas based on the results of the study and monitoring of the demonstration zones as provided in section 5052. The state authority and the interagency task force shall review and evaluate the plans and programs applied to the demonstration zones and report their preliminary findings and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over housing matters by December 30, 1992 and December 30, 1993, with a final report to be submitted by December 30, 1994. This final report must include:

1. Strategy. The strategy applied in each zone to revitalize housing and neighborhoods;

2. Number of buildings and units. The number of buildings and units of affordable housing developed; or rehabilitated in each zone;

3. Causes of blight and deterioration. The major causes of urban blight and deterioration in each zone and the programs applied to these causes; and

4. Effectiveness of assistance and programs. The effectiveness of the assistance and programs provided in each zone, including, but not limited to, job training and educational programs; and law enforcement and crime prevention programs.

See title page for effective date.

CHAPTER 872

S.P. 877 - L.D. 2238

An Act to Facilitate Self-insurance and Group Self-insurance under the Maine Workers' Compensation Act

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

Sec. 1. 24-A MRSA §707, sub-§1, ¶C, as amended by PL 1991, c. 385, §5, is further amended to read:

C. Workers' compensation and employer's liability. Insurance, ~~whether~~ written on a primary ~~or~~ excess basis, of the obligations accepted by, imposed upon or assumed by employers under law for death, disablement or injury of employees;