

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**  
October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**  
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**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. 29 MRSA §2708-A, sub-§2, ¶B**, as enacted by PL 1991, c. 793, §11 and affected by §13, is amended to read:

B. For vehicles used exclusively to transport passengers for hire between points within the State, including motor vehicles under contract with the State, a municipality or a school district for the transportation of students, but not vehicles defined as school buses in section 2011, there is a combined single limit of:

(1) ~~Three hundred Twenty thousand dollars because of bodily injury or death to any one person, \$40,000 because of bodily injury or death to 2 or more persons in any one accident and \$10,000 because of injury to and destruction of property in any one accident for vehicles with 7 or fewer passengers not under contract with the State, a municipality or a school district for the transportation of students;~~

(1-A) One hundred twenty-five thousand dollars, or split limits consisting of \$50,000 per person and \$100,000 per occurrence for bodily injury liability, and \$25,000 for property damage liability for vehicles not under contract with the State, a municipality or a school district for the transportation of students, that are designed to carry no more than 3 passengers behind the driver's seat;

(1-B) Three hundred thousand dollars for vehicles that are designed to carry 4 to 7 passengers behind the driver's seat, except as provided in subparagraph (1-A);

(2) Seven hundred fifty thousand dollars for vehicles ~~with that are designed to carry 8 to 15 passengers behind the driver's seat;~~

(3) One million five hundred thousand dollars for vehicles ~~with that are designed to carry 16 to 30 passengers behind the driver's seat;~~ and

(4) Two million dollars for vehicles ~~with that are designed to carry 31 or more passengers behind the driver's seat.~~

**Sec. 2. Repeal.** That part of this Act that amends the Maine Revised Statutes, Title 29, section 2708-A, subsection 2, paragraph B, subparagraph (1) is repealed June 1, 1993.

**Sec. 3. Effective date.** That part of this Act that amends the Maine Revised Statutes, Title 29, section 2708-A, subsection 2, paragraph B, subparagraph (1) takes effect April 1, 1993. Those parts of this Act that relate to Title 29, section 2708-A, subsection 2, paragraph B, subparagraphs (1-A), (1-B) and (2) to (4) take effect June 1, 1993.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect April 1, 1993.

Effective April 1, 1993.

## CHAPTER 22

### S.P. 326 - L.D. 978

#### An Act to Preserve the Solvency of the Unemployment Compensation Fund

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

**Whereas**, the Unemployment Compensation Fund will soon be depleted necessitating the borrowing of funds to continue the payment of unemployment benefits; and

**Whereas**, such borrowing would incur interest costs payable by employers; and

**Whereas**, such borrowing would also complicate solving the long-term solvency problem of the fund; 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**, as enacted by PL 1991, c. 870, §1, is amended to read:

**3-A. Alternate base period.** For benefit years effective on or after September 27, 1992 and prior to ~~December 31, 1994~~ March 26, 1995, 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 re-determination of eligibility based on a base period that consists of the last 4 completed calendar quarters imme-

diately 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 amended by PL 1991, c. 870, §2, is further 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~~ must 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~~ that individual in the high quarter of ~~his~~ the 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~~ may 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 1995. ~~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. For claimants requesting insured status determination on or after April 1, 1993 and before January 1, 1995, the weekly benefit amount must be the amount determined by this subsection minus \$6.~~

**Sec. 3. 26 MRSA §1195, sub-§3-A**, as amended by PL 1983, c. 491, is further amended to read:

**3-A. Failure to accept or seek work as grounds for ineligibility.** Notwithstanding subsection 3, an individual ~~shall be~~ is ineligible for payment of extended benefits for any week of unemployment in ~~his~~ that individual's eligibility period if the deputy finds that during such period:

A. ~~He~~ The individual failed to accept an offer of suitable work, as defined under subsection 3-C, or failed to apply for any suitable work to which ~~he~~ the individual was referred by the employment service; or

B. ~~He~~ The individual failed to actively engage in seeking work as prescribed under subsection 3-E, unless that individual is not actively engaged in seeking work because that individual is:

(1) Before any court of the United States or any state pursuant to a lawfully issued summons to appear for jury duty; or

(2) Hospitalized for treatment of an emergency or a life-threatening condition.

This subsection is not in effect for the weeks beginning after March 6, 1993 and before January 1, 1995.

This subsection is not in effect if inconsistent with the Federal-State Extended Compensation Act of 1970, as amended.

**Sec. 4. 26 MRSA §1196, sub-§3**, as amended by PL 1991, c. 472, §1, is further amended to read:

**3. Repeal.** This section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A are repealed on ~~February 1, 1994~~ March 31, 1995.

Any person who has qualified to receive benefits under section 1043, subsection 5, paragraph B or section 1191, subsection 4, paragraph A at the time of repeal under this subsection or when the sections were determined to be not in effect due to the reserve multiple under subsection 4 continues to be governed by the provision repealed or not in effect.

**Sec. 5. 26 MRSA §1196, sub-§4**, as amended by PL 1993, c. 3, §1 and affected by §2, is further amended to read:

**4. Suspension of provisions due to the reserve multiple.** This section; section 1043, subsection 5, paragraph B; and section 1191, subsection 4, paragraph A are not in effect if the reserve multiple determined under section 1221, subsection 4, paragraph C is .245 or below, and remain ineffective until the reserve multiple is determined to be above .245. This subsection is not in effect from January 1, 1993 to ~~June 26, 1993~~ March 31, 1995.

**Sec. 6. 26 MRSA §1221, sub-§2, ¶C** is enacted to read:

C. Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay, in addition to the contribution rate as prescribed in subsection 4, 7/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1993 and 8/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1994.

**Sec. 7. 26 MRSA §1221, sub-§4, ¶B**, as amended by PL 1983, c. 753, §3, is further amended to read:

B. Subject to paragraph A, each employer's contribution rate for the 12-month period commencing January 1st of each year ~~shall be~~ is based upon ~~his the employer's~~ experience rating record and determined from ~~his the employer's~~ reserve ratio, which is the percent obtained by dividing the amount by which, if any, ~~his the employer's~~ contributions credited from the time ~~he the employer~~ first or most recently became an employer, whichever date is later, and up to and including June 30th of the preceding year, including any part of ~~his the employer's~~ contributions due for that year payable on or before July 31st of the preceding year, exceed ~~his the employer's~~ benefits charged during the same period, by ~~his the employer's~~ average annual payroll for the 36-consecutive-month period ending June 30th of the preceding year. ~~His~~ The employer's contribution rate is the percent shown on the line of the following table on which in column A there is indicated ~~his the employer's~~ reserve ratio and under the schedule within which the reserve multiple falls as of September 30th of each year. The following table ~~will apply~~ applies for each 12-month period commencing January 1st of each year as determined by paragraph C. Notwithstanding any other provisions of this paragraph, each employer's contribution rate computed and effective as of July 1, 1981, ~~shall be~~ is for the 6-month period ending December 31, 1981.

#### EMPLOYER'S CONTRIBUTION RATE IN PERCENT OF WAGES

Employer Reserve Ratio		When Reserve Multiple is:							
Equal to or more than	Less than	over 2.37-2.50	2.23-2.50	2.09-2.36	1.95-2.22	1.81-2.08	1.67-1.94	1.53-1.80	1.66

		Schedules							
		A	B	C	D	E	F	G	H
19.0% and over		0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%
18.0%	19.0%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%
17.0%	18.0%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%
16.0%	17.0%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%
15.0%	16.0%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%
14.0%	15.0%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%
13.0%	14.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%
12.0%	13.0%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%
11.0%	12.0%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%
10.0%	11.0%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%
9.0%	10.0%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%
8.0%	9.0%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%
7.0%	8.0%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%
6.0%	7.0%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%
5.0%	6.0%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%
4.0%	5.0%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%
3.0%	4.0%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%
2.0%	3.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%
1.0%	2.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%
.0%	1.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%
-1.0%	.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%
-2.0%	-1.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%
-3.0%	-2.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%
-4.0%	-3.0%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%
-5.0%	-4.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%
-6.0%	-5.0%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%
-7.0%	-6.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%
-8.0%	-7.0%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%
-9.0%	-8.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%
-10.0%	-9.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%
-11.0%	-10.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%
-12.0%	-11.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%
<del>under -12.0%</del>	<del>under -12.0%</del>	<del>5.4%</del>	<del>5.4%</del>	<del>5.4%</del>	<del>5.4%</del>	<del>5.4%</del>	<del>5.4%</del>	<del>5.4%</del>	<del>5.4%</del>
<u>under -12.0%</u>	<u>under -12.0%</u>	<u>6.4%</u>	<u>6.4%</u>	<u>6.4%</u>	<u>6.4%</u>	<u>6.4%</u>	<u>6.4%</u>	<u>6.4%</u>	<u>6.4%</u>

#### EMPLOYER'S CONTRIBUTION RATE IN PERCENT OF WAGES

Employer Reserve Ratio		When Reserve Multiple is:							
Equal to or more than	Less than	1.39-1.52	1.25-1.38	1.11-1.24	.97-1.10	.83-.96	.68-.82	.45-.67	under .45

Column A	Schedules							
	I	J	K	L	M	N	O	P
19.0% and over	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.4%
18.0%	19.0%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.5%
17.0%	18.0%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.6%
16.0%	17.0%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.7%
15.0%	16.0%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.8%
14.0%	15.0%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.9%
13.0%	14.0%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	3.0%
12.0%	13.0%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	3.1%

11.0%	12.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	3.2%
10.0%	11.0%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	3.3%
9.0%	10.0%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.4%
8.0%	9.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.5%
7.0%	8.0%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.6%
6.0%	7.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.7%
5.0%	6.0%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.8%
4.0%	5.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.9%
3.0%	4.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	4.1%
2.0%	3.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	4.3%
1.0%	2.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.5%
.0%	1.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.7%
-1.0%	.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.9%
-2.0%	-1.0%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	5.0%
-3.0%	-2.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	5.1%
-4.0%	-3.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	5.2%
-5.0%	-4.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	5.3%
-6.0%	-5.0%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.4%
-7.0%	-6.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.5%
-8.0%	-7.0%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.6%
-9.0%	-8.0%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.7%
-10.0%	-9.0%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	5.9%
-11.0%	-10.0%	5.0%	5.1%	5.2%	5.3%	5.4%	5.5%	5.6%	6.1%
-12.0%	-11.0%	5.2%	5.3%	5.4%	5.5%	5.6%	5.7%	5.8%	6.3%
<del>under</del>	<del>-12.0%</del>	<del>5.4%</del>	<del>5.5%</del>	<del>5.6%</del>	<del>5.7%</del>	<del>5.8%</del>	<del>5.9%</del>	<del>6.0%</del>	<del>6.5%</del>
<del>under</del>	<del>-12.0%</del>	<del>6.4%</del>	<del>6.5%</del>	<del>6.6%</del>	<del>6.7%</del>	<del>6.8%</del>	<del>6.9%</del>	<del>7.0%</del>	<del>7.5%</del>

**Sec. 8. Retroactivity.** Sections 6 and 7 of this Act apply retroactively to January 1, 1993.

**Sec. 9. Transfer of funds.** Notwithstanding the Maine Revised Statutes, Title 26, section 1164, the State Controller is authorized to transfer \$2,100 before June 30, 1993, \$4,454 before June 30, 1994 and \$2,354 before June 30, 1995 from the Special Administrative Expense Fund to the General Fund as undedicated revenue.

**Sec. 10. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1992-93	1993-94	1994-95
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>			
<b>Departmentwide</b>			
Personal Services	\$2,100	\$4,454	\$2,354
Provides funding for additional unemployment compensation costs. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer is authorized to transfer funds within the department to General Fund accounts as required to provide funding for these unemployment compensation costs.			

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

Effective April 1, 1993.

## CHAPTER 23

### H.P. 73 - L.D. 103

#### An Act to Utilize Local Enforcement Mechanisms for Land Use Violations

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

**Sec. 1. 30-A MRSA §4452, sub-§1**, as amended by PL 1991, c. 732, §1, is further amended to read:

**1. Enforcement.** A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5 ~~or~~, 6 ~~or~~ 7, may:

A. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the laws or ordinances set forth in subsection 5. A municipal official's entry onto property under this paragraph is not a trespass;

B. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and

C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the official is authorized to enforce.

**Sec. 2. 30-A MRSA §4452, sub-§7** is enacted to read:

**7. Natural resources protection laws.** A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the Commissioner of Human Services under section 4221 as familiar with court procedures, may enforce the provisions of the natural resources protection laws, Title 38, chapter 3, subchapter 1, article 5-A, by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

**Sec. 3. State and local cooperation.** Whenever possible, the Department of Environmental Protection shall notify municipal code enforcement officers or