

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

§6351. Suspension based on conviction

Any A conviction for a violation of a marine resources' law ~~shall be~~, a violation of Title 17-A, chapter 31 or a criminal offense against a marine patrol officer while that officer is engaged in the performance of official duty is grounds for suspension of any licenses or certificates issued under this Part. In order to suspend a license or certificate because of a conviction, the commissioner ~~shall~~ must follow the procedures of this Article.

See title page for effective date.

CHAPTER 219

S.P. 413 - L.D. 1136

**An Act to Provide Immunity for
Clinicians Contracted by the State
Forensic Service**

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

Sec. 1. 34-B MRSA §1212, sub-§2, ¶B, as amended by PL 1989, c. 487, §16, is further amended to read:

B. To perform examinations of the mental condition of persons committed to the custody of the commissioner under Title 15, section 103, for the purposes specified in Title 15, section 104-A; ~~and~~

Sec. 2. 34-B MRSA §1212, sub-§2, ¶C, as enacted by PL 1989, c. 487, §17, is amended to read:

C. To perform examinations of the mental condition of persons pursuant to Title 22, chapter 250-; ~~and~~

Sec. 3. 34-B MRSA §1212, sub-§2, ¶D is enacted to read:

D. To perform evaluations on behalf of any court of record. The State Forensic Service may contract with psychologists, psychiatrists and licensed clinical social workers to perform evaluations. The clinicians under contract are entitled to quasi-judicial immunity for all acts performed within the scope of their evaluation duties and in accordance with protocols for evaluations established by the State Forensic Service.

See title page for effective date.

CHAPTER 220

S.P. 439 - L.D. 1207

**An Act to Correct Certain Errors
and Inconsistencies in Employer's
Contributions and Coverage in
Unemployment Compensation**

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

Sec. 1. 26 MRSA §1221, sub-§4, ¶B, as amended by PL 1993, c. 22, §7 and affected by §8, is further amended by amending the first paragraph to read:

B. Subject to paragraph A, each employer's contribution rate for the 12-month period commencing January 1st of each year is based upon the employer's experience rating record and determined from the employer's reserve ratio, which is the percent obtained by dividing the amount by which, if any, the employer's contributions credited from the time 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 the employer's contributions due for that year ~~payable paid~~ on or before July 31st of ~~the preceding that~~ year, exceed the employer's benefits charged during the same period, by the employer's average annual payroll for the 36-consecutive-month period ending June 30th of the preceding year. The employer's contribution rate is the percent shown on the line of the following table on which in column A there is indicated 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 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, is for the 6-month period ending December 31, 1981.

Sec. 2. 26 MRSA §1221, sub-§10, ¶B, as amended by PL 1979, c. 651, §44, is further amended to read:

B. Any employing unit ~~which~~ that has become an employer pursuant to section 1043, subsection 9, paragraph H ~~or I~~ which ~~and~~ has been paying contributions under this chapter may change to a reimbursable basis by filing with the bureau not later than 30 days prior to the beginning of any calendar year a written notice of election to be-

come liable for payments in lieu of contributions. ~~Such~~ The election shall may not be terminable by ~~such~~ the employer for that and the next calendar year.

See title page for effective date.

CHAPTER 221

S.P. 418 - L.D. 1141

An Act Concerning Employee Leasing Companies

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

Sec. 1. 26 MRSA §1221-A, sub-§1, as amended by PL 1993, c. 264, §1, is further amended to read:

1. Joint and several liability. A client company is jointly and severally liable for unpaid contributions, interest and penalties due under this chapter from the employee leasing company for wages paid to employees leased to the client company. ~~The employee leasing company must comply with subsection 5 in a timely manner in order to relieve a client company from such liability.~~

Sec. 2. 26 MRSA §1221-A, sub-§5, as amended by PL 1993, c. 264, §2, is repealed.

Sec. 3. 26 MRSA §1221-A, sub-§8, as enacted by PL 1991, c. 468, §3, is repealed and the following enacted in its place:

8. Penalty. A person or an employee leasing company that violates this chapter is subject to a forfeiture of \$100 per day for each violation. A corporation, partnership, sole proprietorship or other form of business entity and an officer, director, general partner, agent, representative or employee of any of those types of business entities that knowingly uses or participates in an employee leasing agreement, arrangement or mechanism for the purpose of depriving one or more insurers of premiums or avoiding the calculation of the proper contribution rate for purposes of unemployment contributions commits a Class E crime.

Sec. 4. 26 MRSA §1221-A, sub-§9 is enacted to read:

9. Rebuttable presumption. When an employee leasing company leases employees to only one client company or when the leasing company and the client company or companies are owned or controlled by the same parties or interests, directly or indirectly, by legally enforceable means or otherwise,

there is a rebuttable presumption that the client company or companies entered into an employee leasing arrangement to avoid the calculation of the proper contribution rate for payment of unemployment contributions.

See title page for effective date.

CHAPTER 222

S.P. 437 - L.D. 1205

An Act to Conform State Unemployment Compensation Laws to Federal Requirements

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

Sec. 1. 26 MRSA §1192, sub-§12 is enacted to read:

12. Participation in reemployment services. The individual who has been referred to reemployment services, pursuant to a profiling system established by the commissioner, participates in those services or similar services unless it is determined that the individual has completed those services or there is good cause for the individual's failure to participate.

For purposes of this subsection, "good cause" means all circumstances described in the definition of good cause in Chapter 1 of the rules governing the administration of the Employment Security Law, including child care emergencies and transportation emergencies.

See title page for effective date.

CHAPTER 223

H.P. 823 - L.D. 1154

An Act to Continue the State's Dioxin Monitoring Program

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

Sec. 1. 38 MRSA §420-A, sub-§2, ¶A, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §40, is further amended to read:

A. Select a representative sample of wastewater treatment plant sludges from municipal wastewater treatment plants ~~and~~, bleached pulp mills or other sources. These facilities must be selected on the basis of known or likely dioxin contamination of their discharged effluent. The com-