

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

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Sec. 2. 26 MRSA §1221-A, sub-§5, as amended by PL 1993, c. 264, §2, is repealed.

Sec. 3. 26 MRSA §1221-A, sub-§8, as enacted by PL 1991, c. 468, §3, is repealed and the following enacted in its place: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

missioner shall develop a monitoring plan for these facilities and submit the plan, including a list of the selected facilities, to the technical advisory group established in section 420-B, subsection 1, paragraph B, subparagraph (5). At least 30 days prior to submitting the plan to the technical advisory group, the commissioner shall notify the owners or operators of each selected facility of the fact of the facility's inclusion in the plan. The technical advisory group shall review the plan and information related to the plan provided by the commissioner, by the owners or operators of selected facilities and by others, including information regarding whether the selected facilities are known or likely sources of dioxin contamination. The technical advisory group shall advise the commissioner on the plan and the choice of selected facilities. The total number of facilities monitored by the commissioner may not exceed 12;

Sec. 2. 38 MRSA §420-A, sub-§5, as enacted by PL 1987, c. 762, §1, is amended to read:

5. Fees assessed. The commissioner shall assess the selected facilities for the costs of sample collection and analysis, except that, if the selected facility is a publicly owned treatment works, the commissioner may assess the primary industrial generator discharging effluent into the treatment facility if the generator is known or likely to be discharging dioxin into the treatment facility. Fees received under this section ~~shall~~ **must** be credited to the Maine Environmental Protection Fund. Payment of these fees is a condition of the discharge license issued under this Title for continued operation of the selected facilities, except that, if the selected facility is a publicly owned treatment works and the commissioner assesses the fee on an industrial generator, payment of the fee is not a condition of the discharge license of the selected facility.

Sec. 3. 38 MRSA §420-A, sub-§6, as enacted by PL 1989, c. 856, §5 and affected by §7, is amended to read:

6. Repeal. This section is repealed ~~on~~ December 31, ~~1995~~ 1997.

Sec. 4. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

1996-97

**ENVIRONMENTAL
PROTECTION,
DEPARTMENT OF**

**Maine Environmental
Protection Fund**

All Other \$168,000

Provides an allocation for the continuance of the dioxin monitoring program.

See title page for effective date.

CHAPTER 224

H.P. 879 - L.D. 1234

**An Act to Amend the Maine
Criminal Code to Ensure Fairness in
Classifying a Crime Based on the
Value of Loss or Damage**

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1993, c. 475, §3, is further amended to read:

A. Any person who the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening or terrorizing, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;
- (6) Theft as defined in section 357, when the value of the services is ~~\$1,000~~ \$2,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (8) Negotiating a worthless instrument, if the officer reasonably believes that the per-