

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

County shall notify the inhabitants of their cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to give their opinion on this question by voting on the following:

"Do you favor the reapportionment of Washington County to increase the number of County Commissioner Districts from 3 Districts to 5 Districts?"

The legal voters of each city, town and plantation in Washington County shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings. The result of the vote must be declared by the municipal officers of Washington County and due certificate must be filed by the municipal officers with the Secretary of State.

PART B

Sec. B-1. 30-A MRSA §66, sub-§15, as amended by PL 1995, c. 501, §1, is further amended to read:

15. Creation of Washington County Commissioner Districts. Washington County is divided into the following 3 districts.

A. Commissioner District Number 1 consists of the municipalities of Alexander, Baileyville, Baring Plantation, Calais, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lake Stream Plantation, Meddybemps, Princeton, Robbinston, Talmadge, Topsfield, Waite and Vanceboro, Indian Township and the unorganized territory of North Washington. The term of office of the commissioner from this district expires in 1988 and every 4 years thereafter.

B. Commissioner District Number 2 consists of the municipalities of Beddington, Centerville, Cutler, Deblois, Dennysville, East Machias, Eastport, Lubec, Machiasport, Marshfield, Northfield, Pembroke, Perry, Wesley, Whiting and Whitneyville, Pleasant Point Passamaquoddy Indian Reservation and the unorganized territories of East Central Washington and North Washington. The term of office of the commissioner from this district expires in 1988 and every 4 years thereafter.

C. Commissioner District Number 3 consists of the municipalities of Addison, Beals, Cherryfield, Columbia, Columbia Falls, Harrington, Jonesboro, Jonesport, Machias, Milbridge, Roque Bluffs and Steuben. The term

of office of the commissioner from this district expires in 1990 and every 4 years thereafter.

~~In addition to the commissioners from the districts specified in paragraphs A, B and C, 2 commissioners must be elected at large. The terms of office of the at-large commissioners expire in 1998 and every 4 years thereafter.~~

See title page for effective date.

CHAPTER 612

H.P. 1320 - L.D. 1807

An Act to Exclude Services Provided by Direct Sellers from the Definition of Employment for Purposes of Unemployment Compensation

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

Whereas, unless immediate action is taken, an unnecessary burden will be imposed on suppliers of products to certain direct sellers; 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-§11, ¶F, as amended by PL 1995, c. 204, §§1 and 2, is further amended by amending subparagraphs (36) and (37) to read:

(36) Service performed by a full-time student, as defined in subsection 30, in the employ of an organized camp if the full-time student performed services in the employ of the camp for less than 13 calendar weeks in the calendar year and the camp:

(a) Did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or

(b) Had average gross receipts for any 6 months in the preceding calendar year that were not more than 33 1/3% of its average gross receipts

for the other 6 months in the preceding calendar year; ~~and~~

(37) Services performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax-; and

Sec. 2. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1995, c. 204, §§1 and 2, is further amended by adding a new subparagraph (38) to read:

(38) Services performed by a direct seller as defined in 26 United States Code, Section 3508, Subsection (b), Paragraph (2). This subparagraph does not include a person selling major improvements or renovations to the structure of a home, business or property.

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

Effective April 3, 1996.

CHAPTER 613

S.P. 759 - L.D. 1871

An Act to Amend the Maine Turnpike Authority's Budget for Calendar Year 1996, to Clarify the Maine Turnpike Authority's Budget Process and to Facilitate the Evaluation of Automated Toll Collection

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

Whereas, unanticipated delays in the implementation of the Maine Turnpike Authority's automatic toll conversion project that delayed the related reductions in the authority's complement of toll collection personnel will require the authority to increase the amounts it must pay from turnpike revenues for Personal Services in the authority's 1996 fiscal year; and

Whereas, proper staffing of the authority's toll collection activities is essential to the safe and efficient operation of the authority under its enabling legislation and pursuant to its general bond resolution; 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. 23 MRSA §1961, sub-§6, as amended by PL 1993, c. 563, §1, is further amended to read:

6. Appropriation. On or before January 31st of each year, the authority shall present to each regular session of the Legislature for its approval ~~the operating a budget for the operating expenses~~ of the authority for the calendar year that begins after the adjournment of that regular session and shall present to each regular session of the Legislature for informational purposes a statement of the revenues necessary for capital expenditures and reserves, and to meet the requirements of any resolution authorizing bonds of the authority during that calendar year, including debt service and the maintenance of reserves for debt service and reserve maintenance. The authority may only ~~make expenditures pay operating expenses~~ in accordance with allocations approved by the Legislature or as necessary to satisfy the requirements of any resolution authorizing bonds of the authority. The operating surplus must be transferred to the Department of Transportation and expended in accordance with allocations approved by the Legislature.

Sec. 2. 23 MRSA §1964, sub-§6-A, as amended by PL 1995, c. 504, Pt. C, §3, is further amended to read:

6-A. Operating surplus. "Operating surplus" means the total annual operating revenues of the Maine Turnpike Authority, after money has been put aside to pay the reasonable operating expenses, to pay or to reserve for capital expenditures and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority, including any amounts pledged to secure obligations issued pursuant to section 1968, subsection 2-A or to pay principal, interest or premium, if any, with respect to these obligations.

Sec. 3. 23 MRSA §1965-A, sub-§1, ¶A, as enacted by PL 1995, c. 341, §2, is amended to read:

A. ~~Convert~~ Complete an evaluation of the conversion of the turnpike toll collection system to an automated electronic system designed to move traffic more efficiently through toll plazas;

Sec. 4. P&SL 1995, c. 29, §1, under the caption "MAINE TURNPIKE AUTHORITY," is amended by striking out all of that part