

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

A. Except as otherwise provided in paragraphs B and C, the minimum sentence of imprisonment, which ~~shall may~~ not be suspended, ~~shall be~~ is as follows: When the sentencing class is Class A, the minimum term of imprisonment ~~shall be~~ is 4 years; when the sentencing class is Class B, the minimum term of imprisonment ~~shall be~~ is 2 years; and, with the exception of trafficking ~~or~~ furnishing or cultivation of marijuana under section 1105, when the sentencing class is Class C, the minimum term of imprisonment ~~shall be~~ is one year;

See title page for effective date.

CHAPTER 375

S.P. 641 - L.D. 1823

An Act to Increase Accessibility to the Department of Environmental Protection Clean-up Funds for Businesses

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

Whereas, the construction season in Maine is very short; and

Whereas, wastewater discharges from commercial establishments that are not in compliance with environmental protection laws create a public health concern; and

Whereas, grant money from the State has not been expended to support commercial establishments' efforts to come into compliance with the environmental protection laws because eligibility requirements for this grant money are too stringent; 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

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

Sec. 1. 38 MRSA §411, first ¶, as repealed and replaced by PL 1995, c. 186, §1, is amended to read:

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an

unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay a percentage of the cost of individual projects serving single-family dwellings, seasonal dwellings or commercial establishments according to the following schedule:

ANNUAL INCOME	SINGLE-FAMILY DWELLING	SEASONAL DWELLING	COMMERCIAL ESTABLISHMENT
\$0 to \$5,000	100%	25%	50%
\$5,001 to \$20,000	90%	25%	50%
\$20,001 to \$30,000	50%	25%	50%
\$30,001 to \$40,000	25%	25%	25%
\$40,001 or more	0%	0%	0%

GROSS PROFIT	COMMERCIAL ESTABLISHMENT
\$0 to \$50,000	50%
\$50,001 to \$100,000	25%
\$100,001 or more	0%

Sec. 2. 38 MRSA §411, 2nd ¶, as enacted by PL 1995, c. 186, §2, is amended to read:

For the purposes of this section, "annual income" means the sum of all the property owner's federal taxable income for the previous year for single-family or seasonal dwellings and ~~gross profit for commercial establishments~~ "gross profit" means the sum of all the commercial establishment owner's gross profits for the previous year as listed on the relevant federal income tax returns.

Sec. 3. Grants for commercial establishments. A municipality may apply in 1999 for a grant for a pollution abatement construction project undertaken in 1999 and serving a commercial establishment.

If the project is eligible under the Maine Revised Statutes, Title 38, section 411, the Commissioner of Environmental Protection may reimburse the applicant when funds become available for the construction of

water pollution control facilities through the sale of bonds.

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

Effective June 1, 1999.

CHAPTER 376

S.P. 638 - L.D. 1805

An Act to Ensure Prompt Payment of Unemployment Compensation Benefits to Displaced Workers

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

Sec. 1. 26 MRSA §1194, sub-§1-A is enacted to read:

1-A. Partial unemployment claim forms. An employer shall issue a properly completed partial unemployment claim form to each of the employer's employees who is customarily employed full time and who is given less than full-time hours during a week due to a lack of work, or who is given no work for one week due to a lack of work and who is not separated from that employer.

A. Partial unemployment claim forms for a week must be provided to eligible employees no later than the day that the payroll for that week is available to employees.

B. An employer who fails to provide a partial unemployment claim form in accordance with this subsection is subject to a fine of \$25 per day per form for each day the form is late.

C. An employer is not required to issue a partial unemployment claim form to an employee:

(1) Whose earnings or earnings plus holiday pay for the week exceed the maximum weekly benefit amount plus \$5; or

(2) Whose vacation or holiday pay for the week exceeds the maximum weekly benefit amount.

D. The Director of Unemployment Compensation may authorize the use of partial unemployment claim forms for periods of 2 or more consecutive weeks in which the employee is given no work.

See title page for effective date.

CHAPTER 377

H.P. 1592 - L.D. 2240

An Act to Revise the Salaries of Certain Kennebec County Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has become necessary to revise the salaries of certain county officers of Kennebec County; and

Whereas, it is desired to have these revisions retroactive to January 1, 1999; 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. 30-A MRSA §2, sub-§1-B, ¶B, as repealed and replaced by PL 1997, c. 721, §1 and affected by §2, is repealed and the following enacted in its place:

1999

B. Kennebec County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$8,042</u>
<u>(b) Members</u>	<u>7,510</u>
<u>(2) Treasurer</u>	<u>9,634</u>
<u>(3) Sheriff</u>	<u>42,172</u>
<u>(4) Judge of Probate</u>	<u>21,134</u>
<u>(5) Register of Probate</u>	<u>26,676</u>
<u>(6) Register of Deeds</u>	<u>28,487</u>