

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

CHAPTER 388

H.P. 932 - L.D. 1309

**An Act to Make Technical Changes
and Improvements to the
Employment Tax Increment
Financing Program**

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

Sec. 1. 36 MRSA §6753, sub-§10, as amended by PL 1997, c. 766, §1, is further amended to read:

10. Labor market unemployment rate. "Labor market unemployment rate" means the average ~~seasonally adjusted~~ unemployment rate as published by the Department of Labor for the labor market or markets in which potential qualified employees are located and in which reimbursement is claimed under this chapter for the ~~3~~ 12 most recently reported months preceding the date of application for employment tax increment financing and for the ~~3~~ 12 most recently reported months preceding the beginning of the 6th year of an approved employment tax increment financing development program.

Sec. 2. 36 MRSA §6753, sub-§12, as amended by PL 1997, c. 766, §2, is further amended to read:

12. Qualified employees. "Qualified employees" means new, full-time employees hired in this State by a qualified business and for whom a retirement program subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 101 to 1461, as amended, and group health insurance are provided, and whose income derived from employment with the applicant, calculated on a calendar year basis is greater than the average annual per capita income in the ~~labor market area~~ county in which the qualified employee is employed and whose state income withholding taxes are subject to reimbursement to the qualified business under this chapter. "Qualified employees" must be residents of this State.

Sec. 3. 36 MRSA §6753, sub-§13, as enacted by PL 1995, c. 669, §5, is amended to read:

13. State unemployment rate. "State unemployment rate" means the average unemployment rate as published by the Department of Labor for the State as a whole, ~~for the calendar year for which reimbursement is claimed~~ 12 most recently reported months preceding the date of application for employment tax increment financing and for the 12 most recently reported months preceding the beginning of the 6th year of an approved employment tax increment financing development program.

Sec. 4. 36 MRSA §6754, sub-§2, ¶B, as enacted by PL 1995, c. 669, §5, is amended to read:

B. Reimbursement to a qualified business approved pursuant to this chapter expires 10 years after the date on which benefits commenced under the employment tax increment financing development program ~~was approved~~.

See title page for effective date.

CHAPTER 389

H.P. 875 - L.D. 1232

**An Act to Amend the Definition of
"Employment" in the
Unemployment Compensation Law**

**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 1997, c. 683, Pt. A, §14, is further amended by amending subparagraph (4-1) to read:

(4-1) Agricultural labor ~~in the harvesting of apples~~, if performed by an individual who is an alien, other than a citizen of a contiguous country with which the United States has an agreement with respect to unemployment compensation, admitted to the United States to perform agricultural labor pursuant to the United States Immigration and Nationality Act, Sections 214(c) and 101(a) (15) (H);

Sec. 2. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1997, c. 683, Pt. A, §14, is further amended by amending subparagraphs (41) and (42) to read:

(41) Services provided by a dance instructor to students of a dance studio when there is a contract between the instructor and the studio under which the instructor's services are not offered exclusively to the studio, the studio does not control the scheduling of the days and times of classes other than beginning and end dates, the instructor is paid by the class and not on an hourly or salary basis, the compensation rate is the result of negotiation between the instructor and the studio and the instructor is given the freedom to develop the curriculum; ~~and~~

(42) Services performed by participants enrolled in programs or projects under the national service laws including the federal National and Community Service Act of