

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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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

1990, as amended, 42 United States Code, Section 12501 et seq., and the federal Domestic Volunteer Service Act, as amended, 42 United States Code, Section 4950 et seq.; and

Sec. 3. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1997, c. 683, Pt. A, §14, is further amended by enacting subparagraph (43) to read:

(43) Services of an author in furnishing text or other material to a publisher who:

(a) Does not control the author's work except to propose topics or to edit material submitted;

(b) Does not restrict the author from publishing elsewhere;

(c) Furnishes neither a place of employment nor equipment for the author's use;

(d) Does not direct or control the time devoted to the work; and

(e) Pays only for material that is accepted for publication.

This exception does not apply if the employment is subject to federal unemployment tax.

Sec. 4. Application. For purposes of enforcement of the Maine Revised Statutes, Title 26, chapter 13, that section of this Act that amends Title 26, section 1043, subsection 11, paragraph F, subparagraph (4-1) applies retroactively to January 1, 1996.

See title page for effective date.

CHAPTER 390

H.P. 806 - L.D. 1129

An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee

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

Sec. 1. 5 MRSA §19202, sub-§1, as repealed and replaced by PL 1993, c. 384, §2, is repealed.

Sec. 2. 5 MRSA §19202, sub-§1-A is enacted to read:

1-A. Duties. The Maine HIV Advisory Committee, as established in section 12004-I, subsection 42 and referred to in this section as the "committee," shall:

A. Advise all departments and agencies of the State on:

(1) Prevention of the human immunodeficiency virus, referred to in this section as "HIV," and education related to HIV;

(2) Crises that may develop related to HIV;

(3) Services to persons with HIV;

(4) Services for family members and other persons providing care and support to persons with HIV;

(5) HIV-related policy, planning, rules or legislation; and

(6) All fiscal matters related to HIV;

B. Make an annual assessment of the policies, programs and budget proposals of state agencies related to HIV, on which the committee may make recommendations; and

C. Provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15th of each year.

Sec. 3. 5 MRSA §19202, sub-§2, as repealed and replaced by PL 1993, c. 384, §2, is repealed.

Sec. 4. 5 MRSA §19202, sub-§2-A is enacted to read:

2-A. Membership. The committee consists of 21 members as provided in this subsection.

A. The members shall annually elect from among themselves a membership committee to perform the functions provided in this subsection.

B. The membership committee shall seek nominations for membership for the coming year from the entities or persons authorized to nominate. If the nominating entities or persons do not provide the nominations within 90 days of the deadlines for the nominations, the membership committee shall seek nominations from other entities and persons.

C. The membership consists of the following:

(1) Two members of the Legislature, one Senator appointed by the President of the Senate and one Representative appointed