

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
2003

solely on any written statements of interested parties filed with the bureau before the interview, together with the evidence presented by interested parties who personally appeared at the interview. Upon request and notice to all parties at the interview, the deputy may accept corroborative documentary evidence after the interview. In no other case may the deputy base a decision on evidence received after the interview has been held.

A. This subsection does not apply when the claimant reports that, in the week claimed:

- (1) The claimant worked and reports a specific amount of earnings for that work;
- (2) The claimant worked and had earnings from that work, but does not furnish the amount of earnings;
- (3) The claimant reports that the claimant was not able or available for work for a specific portion of the week and there is sufficient information for the deputy to determine that the inability or unavailability for work was for good cause. If the information provided by the claimant indicated unavailability during the claim week, but is not specific as to the amount of time involved, the department shall immediately initiate a fact-finding interview with the individual and make a determination regarding the claimant's weekly benefit amount on the basis of that interview. If the department is not able to conduct an immediate fact-finding interview with the claimant, the notification and fact-finding process described in this subsection must be followed; or
- (4) The claimant received a specific amount of other remuneration as described in section 1193, subsection 5.

See title page for effective date.

CHAPTER 164

H.P. 1081 - L.D. 1476

An Act To Improve Timeliness of Unemployment Trust Fund Deposits

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

Sec. 1. 26 MRSA §1161, as amended by PL 1977, c. 675, §15, is further amended to read:

§1161. Accounts and deposit

The Treasurer of State ~~shall be~~ is the ex officio treasurer and custodian of the Unemployment Compensation Fund and shall administer ~~such the~~ the fund in accordance with the directions of the commissioner. The Treasurer of State shall maintain within the fund ~~3~~ 4 separate accounts:

- 1. Clearing account.** A clearing account for all money payable to the trust fund account that is not deposited into the combined unemployment insurance contributions and income tax withholding account;
- 2. Trust fund account.** An unemployment trust fund account; ~~and~~
- 3. Benefit account.** A benefit account-; and
- 4. Combined unemployment insurance contributions and income tax withholding account.** A clearing account for that portion of unemployment insurance contributions payable to the trust fund account from the combined money of unemployment insurance contributions and state income tax withholding payments.

All ~~moneys~~ money payable to the fund, upon receipt ~~thereof~~ by the commissioner, ~~shall~~ must be forwarded to the Treasurer of State, who shall immediately deposit ~~them~~ it in the clearing account or the combined unemployment insurance contributions and income tax withholding account. Refunds payable pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) or section 1225 may be paid from the clearing account, the combined unemployment insurance contributions and income tax withholding account or the benefit account upon warrants prepared by the commissioner and signed by the State Controller. After clearance ~~thereof~~, all other ~~moneys~~ money in the clearing account ~~shall~~ and all of the unemployment compensation money in the combined unemployment insurance contributions and income tax withholding account must be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the Unemployment Trust Fund, established and maintained pursuant to ~~section~~ Section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, administration, release or disbursement of ~~moneys~~ money in the possession or custody of this State to the contrary notwithstanding. The benefit account ~~shall~~ must consist of all ~~moneys~~ money requisitioned from this ~~state's~~ State's account in the Unemployment Trust Fund.

Except as otherwise provided, ~~moneys~~ money in the clearing, combined unemployment insurance contributions and income tax withholding and benefit accounts may be deposited by the Treasurer of State, under the direction of the commissioner, in any bank

or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall may be paid out of the fund.

The Governor ~~has been and~~ is hereby authorized to apply for advances to the account of this State in the Unemployment Trust Fund in accordance with the provisions of Title XII of the Social Security Act, 42 U.S.C.A. § United States Code, Section 1321, as amended, or under any other Act of Congress extending such authority, in order to secure to this State and its citizens the advantages available under the provisions of Title XII of the Social Security Act.

See title page for effective date.

CHAPTER 165

H.P. 1030 - L.D. 1403

An Act To Amend a Requirement Concerning Dioxin

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

Sec. 1. 38 MRSA §420, sub-§2, ¶I, as enacted by PL 1997, c. 444, §7, is amended by amending subparagraph (3) to read:

(3) After December 31, 2002, a mill may not discharge dioxin into its receiving waters. For purposes of this subparagraph, a mill is considered to have discharged dioxin into its receiving waters if 2, 3, 7, 8 - tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8 - tetrachlorodibenzo-p-furan is detected in any of the mill's internal waste streams of its bleach plant and in a confirmatory sample at levels exceeding 10 picograms per liter, unless the department adopts a lower detection level by rule, which is a routine technical rule pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A, or a lower detection level by incorporation of a method in use by the United States Environmental Protection Agency, or if levels of dioxin, as defined in section 420-A, subsection 1 detected in fish tissue sampled below the mill's wastewater outfall are higher than levels in fish tissue sampled at an upstream reference site not affected by the mill's discharge or on the basis of a comparable surrogate procedure acceptable to the commissioner. The commissioner shall consult with the technical advisory group established in section 420-B, subsection 1, paragraph B, subparagraph (5) in making

this determination and in evaluating surrogate procedures. The fish-tissue sampling test must be performed with differences between the average concentrations of dioxin in the fish samples taken upstream and downstream from the mill measured with at least 95% statistical confidence. If the mill fails to meet the fish-tissue sampling-result requirements in this subparagraph and does not demonstrate by December 31, ~~2003~~ 2004 and annually thereafter to the commissioner's satisfaction that its wastewater discharge is not the source of elevated dioxin concentrations in fish below the mill, then the commissioner may pursue any remedy authorized by law.

Sec. 2. PL 1997, c. 444, §10 is amended to read:

Sec. 10. Report; dioxin. The Commissioner of Environmental Protection and the Commissioner of Human Services shall report to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters by May 1, 2001, ~~and every January 1st thereafter~~, on progress made in achieving the requirements specified in the Maine Revised Statutes, Title 38, section 420, subsection 2. On ~~May 1, 2003~~ February 16, 2004, the Commissioner of Environmental Protection and the Commissioner of Human Services shall present to the Governor and the joint standing committee of the Legislature having jurisdiction over natural resources matters a comprehensive assessment on the progress in eliminating the discharge of dioxin from bleach kraft pulp mills in this State. The assessment must report on:

1. Dioxin concentrations in fish above and below mills and the health implications of those concentrations;
2. Any evidence that dioxin is being discharged from any mill;
3. Current technology that achieves no discharge of dioxin;
4. The need for continuing the dioxin monitoring program; and
5. Other known sources of dioxin polluting rivers in this State.

The commissioners shall make recommendations regarding any additional action that may be warranted.

See title page for effective date.