

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 TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

CHAPTER 190

S.P. 809 - L.D. 2070

Resolve, To Ensure the Availability of Public Drinking Water Supplies

Sec. 1. Department of Environmental Protection; public water systems stakeholders.

Resolved: That the Department of Environmental Protection shall work with the drinking water program of the Department of Health and Human Services, the Public Utilities Commission, the United States Environmental Protection Agency, environmental groups, community public water systems and the Attorney General's office with regard to pending rule-making activities pursuant to the Maine Revised Statutes, Title 38, section 470-H in order to reconcile, to the extent feasible, the objectives of protecting aquatic life and other uses as provided in Title 38, section 470-H and the objective of allowing community public water systems to use their existing water supplies to provide water service. In order to carry out the objectives of this resolve, the department shall submit proposed rules to the Board of Environmental Protection for consideration pursuant to Title 38, section 470-H and, as necessary, shall propose statutory changes. The proposed statutory changes must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2007; and be it further

Sec. 2. Authority to report legislation.

Resolved: That the joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the First Regular Session of the 123rd Legislature in connection with proposed statutory changes proposed by the Department of Environmental Protection pursuant to section 1.

See title page for effective date.

CHAPTER 191

H.P. 1287 - L.D. 1847

Resolve, To Require the Department of Labor, in Consultation with Interested Parties, To Examine the Laws and Practices Regarding the Definition of "Employment" for Purposes of Unemployment Compensation

Sec. 1. Definition of employment. Resolved: That the Department of Labor, in consultation with interested parties, shall study the laws and practices used in defining "employment" for purposes

of unemployment compensation. The study must include an examination of the following issues and any others the department or an interested party determines to be appropriate:

1. The adequacy of current laws and standards that define "employment" for purposes of unemployment compensation, including the Maine Revised Statutes, Title 26, section 1043, subsection 11, paragraph E, to distinguish accurately between persons who are bona fide independent contractors and those who should be considered employees;
2. The need for, or benefit of, revising the Department of Labor survey instrument used to determine who is a bona fide independent contractor;
3. The need for, or benefit of, the State's adopting Internal Revenue Service guidelines for determining who is a bona fide independent contractor;
4. The need for, or benefit of, the State's adopting the same criteria for determining who is a bona fide independent contractor for purposes of unemployment compensation that it now follows for purposes of workers' compensation; and
5. The need for, or benefit of, the State's instituting a precertification program for bona fide independent contractors similar to programs in Montana and other states; and be it further

Sec. 2. Report. Resolved: That the Department of Labor, after consultation with interested parties, shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2007 regarding this resolve. The report must include findings, recommendations and any proposed implementing legislation. The joint standing committee of the Legislature having jurisdiction over labor matters may report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature; and be it further

Sec. 3. Participants in study. Resolved:

That, in conducting the study under section 1 and preparing the report under section 2, the Department of Labor shall call upon interested parties to participate and offer comment and shall offer equal participation to representatives of both management and labor interests, including, but not limited to, representatives of:

1. Contractors who employ the services of subcontractors;
2. Self-employed, unincorporated subcontractors;