

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

vidual for refusing to accept new work under any of the following conditions:

- (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;
- (2) If the wages, hours or other conditions of work are substantially less favorable to the individual than those prevailing for similar work in the locality;
- (3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;
- (4) If the position offered is the same one previously vacated by the claimant for good cause attributable to that employment or is the position ~~which~~ that the employee left for reasons attributable to that employment, but which were found insufficient to relieve disqualification for benefits under subsection 1, paragraph A, ~~provided that as long as~~, in either instance, the specific good cause or specific reasons for leaving have not been removed or otherwise changed; and
- (5) If the position offered is on a shift, the greater part of which falls between the hours of midnight ~~to~~ and 5 a.m., and is refused because of parental obligation, the need to care for an immediate family member, or the unavailability of a personal care attendant required to assist the unemployed individual who is a handicapped person;

Sec. 8. 26 MRSA §1193, sub-§5, as amended by PL 2009, c. 638, §1, is further amended to read:

5. Receiving remuneration. For any week with respect to which ~~he~~ the individual is receiving, ~~is entitled~~ has been scheduled to receive or has received remuneration in the form of:

A. Dismissal wages, wages in lieu of notice, terminal pay or holiday pay; ~~or~~

A-1. Any vacation pay in an amount exceeding the equivalent of 4 weeks' wages for that individual; or

B. Benefits under the unemployment compensation or employment security law of any state or similar law of the United States.

If the remuneration under paragraph A is less than the benefits ~~which that~~ would otherwise be due under this chapter, ~~he shall be~~ the individual is entitled to receive for that week, if otherwise eligible, benefits reduced by the amount of the remuneration, rounded to the nearest lower full dollar amount. Earned vacation pay that is paid to the individual prior to the individual's being notified orally or in writing by the employer of

the employer's intent to sever the employment relationship is not considered remuneration for purposes of this subsection;

Sec. 9. 26 MRSA §1193, sub-§6, as amended by PL 1999, c. 464, §7, is further amended to read:

6. Has falsified. For any week for which the deputy finds that the claimant made a false statement or representation knowing it to be false or knowingly failed to disclose a material fact in the claimant's application to obtain benefits. In addition, for a first or 2nd occurrence, the claimant is ineligible to receive any benefits for a period of not less than 6 months nor more than one year from the mailing date of the determination, and the commissioner shall assess a penalty of 50% of the benefits falsely obtained for the first occurrence; ~~and 75% for the 2nd occurrence and 100% for the 3rd and any subsequent occurrences.~~ If an individual is disqualified for a 3rd occurrence of statement falsification or misrepresentation in an effort to obtain benefits, the commissioner shall assess a penalty of 100% of the benefits falsely obtained and the claimant is disqualified from receiving benefits for a period of time to be determined by the commissioner; ~~or~~

Sec. 10. Interdepartmental cooperation. The Department of Labor shall work with the United States Department of Labor to explore allowing alternatives for individuals for whom in-person participation in the first reemployment eligibility assessment session is unduly burdensome based on travel distance and shall adopt standards to implement any allowable and feasible alternatives. If permitted by the Federal Government, the department shall develop standards and procedures to provide alternatives to in-person participation for all subsequent reemployment eligibility assessment sessions for individuals for whom travel to such sessions would be unduly burdensome. Waiver of in-person participation in services must be made on a case-by-case basis in accordance with standards adopted by the department. If alternatives to in-person participation are allowed and are available, the department shall notify all individuals affected by this section of any standards or procedures providing an alternative to in-person participation in reemployment eligibility assessment services.

See title page for effective date.

CHAPTER 646

H.P. 1251 - L.D. 1699

An Act To Create Excise Tax Equity and Consistency for Buses

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

Sec. 1. 29-A MRSA §533-A, sub-§3, ¶A, as amended by PL 2001, c. 361, §15, is further amended to read:

A. Between July 1st and October 31st, the Secretary of State shall disburse to a participating municipality a sum equal to the difference in the amount of excise tax that would have been collected by that municipality in the prior fiscal year on each commercial motor vehicle or bus under Title 36, section 1482, subsection 1, paragraph C, subparagraph (3) or (4) using the manufacturer's suggested retail price from the amount of that excise tax actually collected by that municipality in the prior fiscal year based on the actual purchase price. The Secretary of State shall provide supporting documentation to a municipality regarding the disbursement that municipality receives under this section.

Sec. 2. 36 MRSA §1481, sub-§8 is enacted to read:

8. Bus. "Bus" has the same meaning as in Title 29-A, section 101, subsection 11.

Sec. 3. 36 MRSA §1482, sub-§1, ¶C, as amended by PL 2001, c. 671, §32, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3) or (4): a sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

- (1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.
- (2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.
- (3) For commercial vehicles manufactured in model year 1996 and after, the amount of excise tax due for trucks or truck tractors registered for more than 26,000 pounds and for

Class A special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

(4) For buses manufactured in model year 2006 and after, the amount of excise tax due is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1, paragraph C, the excise tax must be prorated for the number of months in the registration.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF
Municipal Excise Tax Reimbursement Fund 0871**

Initiative: Allocates funds as a result of adding buses manufactured in model year 2006 and after to the list of items municipalities can be reimbursed for through the Municipal Excise Tax Reimbursement Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$30,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$30,000

See title page for effective date.

CHAPTER 647

H.P. 1417 - L.D. 1913

**An Act To Review and
Restructure the Workers'
Compensation System**

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