

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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tenance be performed. If the railroad corporation fails to perform the required maintenance, the department may contract with others for the work or perform the work itself. In either case, reimbursement of the actual costs shall be made to the entity performing the maintenance or causing the maintenance to be performed. The reimbursement payment to each railroad corporation shall be adjusted to reflect the costs of any maintenance performed by others on lines for which the railroad corporation is responsible under this provision. The adjustment shall also reflect an amount to cover the department's administrative costs for arranging the maintenance to be performed.

Each railroad corporation which seeks reimbursement under this section must report annually its actual maintenance costs for the previous calendar year which shall be used to calculate the reimbursement. The department shall establish guidelines to determine allowable maintenance costs.

This annual report shall describe its maintenance program for public grade crossings and highway over railroad grade separation bridges. The report shall include the total actual costs incurred, total quantities of materials used and work hours expended for the previous year. The department may audit records and supporting documentation relating to costs incurred by railroad corporations.

The commissioner shall develop guidelines to require that any railroad corporation, prior to receiving a reimbursement for the maintenance of the line on which an eligible crossing is located shall file an annual plan by December 1st of each calendar year. The plan shall describe the condition of the line, the maintenance to be performed in the year for which reimbursement is sought, the speed at which trains will be allowed to operate over that line, the posted vehicle load limit on grade separation bridges and any other information required by the commissioner. The commissioner may also require as a condition of reimbursement that certain non-crossing maintenance or repairs be performed on the line or that the line be maintained to allow trains to operate at a certain speed, that vehicle load limits on grade separation bridges be maintained or that other measures affecting the safety and maintenance of the track be taken by the railroad corporation.

Effective August 4, 1988.

## CHAPTER 658

H.P. 1811 — L.D. 2479

### AN ACT to Require Audit Review of the Bureau of Capitol Security in 1989.

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

Sec. 1. 3 MRSA §507, sub-§1, ¶B, as repealed and replaced by PL 1979, c. 338, §2, is amended to read:

B. The evaluations and analyses of the justification reports for the programs of the following Group A-2 departments shall be reviewed by the Legislature no later than June 30, 1981:

- (1) Department of Transportation;
- (2) Department of Public Safety, except for the Bureau of Capitol Security; and
- (3) Department of the Secretary of State.

Sec. 2. 3 MRSA §507, sub-§9, ¶B, as repealed and replaced by PL 1987, c. 395, Pt. A, §6, is amended to read:

B. The evaluations and analyses of the justification reports for the programs of the following Group F-2 departments shall be reviewed by the Legislature no later than June 30, 1990:

- (1) Department of Finance;
- (2) (Office of) Treasurer of State;
- (3) Department of Audit;
- (4) Department of Administration, except for the Bureau of Human Resources, Bureau of Employee Relations and Bureau of Public Improvements; and
- (5) Department of the Attorney General; and
- (6) Department of Public Safety, but limited to the Bureau of Capitol Security.

Effective August 4, 1988.

## CHAPTER 659

H.P. 1858 — L.D. 2543

### AN ACT to Provide for Identification and Application of School Bus Purchase Reimbursement Funds.

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

20-A MRSA §15620 is enacted to read:

§15620. State allocation payments for school bus purchases

1. Use of allocation. Notwithstanding any other provisions of this chapter, state allocation payments to school administrative units for school bus purchases shall be used to reduce the amount requested in the transportation account in the next annual budget of the school

administrative unit. Except as provided in subsection 2, these state allocation payments may be expended only for costs attributable to transportation operation activities or school bus purchases. State allocation payments expended in accordance with this subsection shall be considered as a school cost for future school subsidy purposes.

2. Exception. The school board for the unit may, by a 2/3 vote, specifically authorize the use of the funds specified in subsection 1 for another purpose or may carry such funds forward for use in the transportation account in succeeding years.

Effective August 4, 1988.

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## CHAPTER 660

H.P. 1859 — L.D. 2545

### AN ACT to Assist Agricultural Employers in Complying with Federal Hazard Communication Rules.

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

Sec. 1. 22 MRSA §1471-M, sub-§3, as enacted by PL 1983, c. 568, §2, is amended to read:

3. Chemical substance identification. The To the extent permitted under federal law, the board shall have primary enforcement responsibility for inspection of any workplace subject to the provisions of Title 26, chapter 22, solely because of the presence of a pesticide. The board shall have primary enforcement responsibility for training programs to be provided by employers under Title 26, chapter 22, in those instances where the employer is subject to the provisions of that law solely because of the presence or use of a pesticide.

The board shall assist the Director of the Bureau of Labor Standards in providing education and training in accordance with Title 26, section 1720, to aid agricultural employers in complying with the federal requirements for hazard communication and shall assist the responsible state agencies in providing education and training to aid agricultural employers in complying with the federal requirements for emergency and hazardous chemical inventory forms and community right-to-know reporting.

Sec. 2. 26 MRSA §61, sub-§2, as repealed and replaced by PL 1987, c. 559, Pt. B, §8, is amended to read:

2. Source of funds. The commissioner shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the previous calendar year by employers under Title 39, the Workers' Compensation Act. As soon as practicable after July 1st of each year, the commissioner shall assess upon and collect from each insurance carrier

licensed to do workers' compensation business in the State, and each group and individual self-insured employer authorized to make workers' compensation payments directly to their employees, a sum equal to that proportion of the current fiscal year's appropriation, exclusive of any federal funds, for the safety education and training division which the total workers' compensation benefits, exclusive of medical payments, paid by each carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all carriers, and group and individual self-insured employers, during the previous calendar year, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all carriers, and group and individual self-insured employers during the previous calendar year. Assessments under this section shall include sufficient funds to provide for training and information activities relating to pesticides as required by section 1720, subsection 5.

Sec. 3. 26 MRSA §1720, sub-§5 is enacted to read:

5. Assistance to agricultural employers. The director shall provide assistance to agricultural employers in the development and conduct of training programs for employees with respect to hazardous chemicals which are pesticides and in satisfying the information requirements of the Federal Occupational Safety and Health Administration's Hazard Communication Standard, Title 29, Code of Federal Regulation, Part 1910.1200. In providing this assistance, the director shall consult with the Board of Pesticides Control and, to the maximum extent practicable, shall work through the Cooperative Extension Service.

Effective August 4, 1988.

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## CHAPTER 661

H.P. 1851 — L.D. 2534

### AN ACT to Ensure Family Medical Leave in the State.

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

26 MRSA c. 7, sub-c. VI-A is enacted to read:

#### SUBCHAPTER VI-A

#### FAMILY MEDICAL LEAVE REQUIREMENTS

##### §843. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Employee. "Employee" means any person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to en-