

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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

**Sec. 1. 11 MRSA §9-302, sub-§(1), ¶(d)**, as repealed and replaced by PL 1977, c. 696, §130, is amended to read:

(d) A purchase money security interest in consumer goods where the amount financed, as defined in Title 9-A, section 1-301, subsection 5, ~~paragraph A~~, is less than \$1,000 \$2,000, but fixture filing is required for priority over conflicting interests in fixtures to the extent provided in section 9-313.

See title page for effective date.

## CHAPTER 42

### H.P. 18 - L.D. 20

#### An Act Regarding Closed Clam Flats

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the harvesting of marine organisms in the State's coastal waters and intertidal zone areas is an important economic activity for state residents and communities; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §6192, sub-§4**, as repealed and replaced by PL 1981, c. 649, §2, is amended to read:

**4. Effective date.** Except as provided in this subsection, emergency regulations shall become effective immediately upon publication in a newspaper of general circulation in the area of the State affected, provided it is submitted to the Attorney General and filed with the Secretary of State as required under the Maine Administrative Procedure Act, Title 5, chapter 375, within the next business day following publication.

Notwithstanding any provisions of the Maine Administrative Procedure Act, an emergency regulation authorized by section 6172, subsection 2 or 3 ~~shall be~~ is effective immediately upon signature by the commissioner or ~~his~~ the commissioner's authorized designee. Upon pro-

~~mulgation of such signing~~ an emergency regulation ~~that closes or opens an area or waters to the taking of marine organisms, the commissioner or the commissioner's authorized designee shall give oral notice of the emergency closure that action~~ to local governmental authorities and shall publish notice of ~~the~~ a closure as soon as possible in a newspaper of general circulation in the area of the State affected. Marine patrol officers shall take action to prevent taking of shellfish from ~~that a closed~~ a closed area, including the embargo of contaminated shellfish under section 6856, subsection 6 and the arrest of any person violating the emergency regulation.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 8, 1993.

## CHAPTER 43

### H.P. 26 - L.D. 29

#### An Act to Permit Retired Teachers to Rejoin the Teachers Health Insurance Plan after Serving in the Legislature

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

**Sec. 1. 20-A MRSA §13451, sub-§2-A** is enacted to read:

**2-A. Access to group plan; retired teachers who serve as Legislators.** Any retired teacher eligible for group accident and sickness or health insurance under subsection 2 who becomes a member of the Legislature must be permitted to reenroll in the teachers' group plan within 90 days of the date the retired teacher ceases to be a Legislator. The retired teacher seeking to reenroll must show that continuous insurance coverage was maintained from at least one year immediately prior to retirement from the school district to within 90 days of the date of reenrollment.

**Sec. 2. Access to group plan for Legislators.** A member of the 116th Legislature who did not enroll in the health insurance plan within 60 days of employment as a Legislator must be permitted to join the plan within 30 days of the effective date of this Act if that Legislator can show that continuous insurance coverage was maintained from at least one year immediately prior to the date of employment as a Legislator to within 90 days of the date of enrollment.

See title page for effective date.