

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

through the auctioning of 5  
moose hunting permits.

See title page for effective date.

## CHAPTER 578

S.P. 692 - L.D. 1878

### An Act to Improve Methods of Dispute Resolution of the Maine Human Rights Commission

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

**Sec. 1. 5 MRSA §4612, sub-§1, ¶A,** as enacted by PL 1985, c. 585, §1, is amended to read:

A. The commission or its delegated single commissioner or investigator shall provide an opportunity for the complainant and respondent to resolve the matter by settlement agreement prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. Evidence of conduct or statements made in compromise settlement negotiations, offers of settlement and any final agreement may not be made public without the written consent of the parties to the proceeding nor used as evidence in any subsequent proceeding, civil or criminal, except in a civil action alleging a breach of agreement filed by the commission or a party. The commission may adopt rules providing for a 3rd-party neutral mediation program. The rules may permit one or more parties to a proceeding to agree to pay the costs of mediation. The commission may receive funds from any source for the purposes of implementing a 3rd-party neutral mediation program.

See title page for effective date.

## CHAPTER 579

H.P. 1390 - L.D. 1888

### An Act to Expedite Oil Spill Response Activities

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

**Sec. 1. 38 MRSA §363-D** is enacted to read:

### **§363-D. Waiver or modification of protection and improvement laws**

The commissioner or the commissioner's designee may waive or modify any of the provisions of this chapter if that waiver or modification promotes or assists any oil spill response activity conducted in accordance with the national contingency plan, a federal contingency plan, the state marine oil spill contingency plan, or as otherwise directed by the federal on-scene coordinator, the commissioner or commissioner's designee. A waiver issued by the commissioner under this section must be in writing.

See title page for effective date.

## CHAPTER 580

S.P. 698 - L.D. 1896

### An Act to Correct the Implementation of Recent Changes to the Retirement Laws

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

**Whereas,** implementation of the recent amendments to the state retirement laws has caused confusion in at least one school district; and

**Whereas,** the legislative intent behind these amendments will be thwarted unless the law is corrected; and

**Whereas,** there is a need to make these corrections as quickly as possible to prevent injustice; 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. 5 MRSA §17001, sub-§13, ¶C,** as repealed and replaced by PL 1993, c. 410, Pt. L, §13, is amended to read:

C. Earnable compensation does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation unless the cost of the additional actuarial liability arising from the excess