

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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municipal officers may, for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

Effective September 14, 1979

CHAPTER 436

H. P. 787 — L. D. 987

AN ACT to Make Certain Changes in the Manufactured Housing Act.

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

10 MRSA § 9002, sub-§ 6, as enacted by PL 1977, c. 550, § 1, is amended to read:

6. **Installation.** "Installation" means the process of affixing or assembling or setting up manufactured housing on foundations or supports at a building site and includes the connection to ~~necessary systems, such as existing~~ electrical, oil burner, gas, water, sewage and ~~any others~~ **similar systems** which are necessary for the use of the house for dwelling or commercial purposes.

Effective September 14, 1979

CHAPTER 437

S. P. 345 — L. D. 1059

AN ACT to Amend the Life Insurance Provisions Regarding Justices and Judges.

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

Sec. 1. 5 MRSA § 1151, first paragraph, as amended by PL 1967, c. 189, § 1, is further amended to read:

Group life insurance shall be made available to state employees and teachers, and Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court **and the Administrative Court**, subject to the following provisions:

Sec. 2. 5 MRSA § 1151, sub-§ 1, first sentence, as amended by PL 1967, c. 189, § 2, is further amended to read:

Except as provided herein, each appointive officer or employee of the State of Maine, or teacher, who is eligible for membership in the Maine State Retirement System, or each member of the State Police who is a member of the State Police Retirement System, including those members of that system who have retired since September 5, 1955 and are living on March 18, 1957, and Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court **and the Administrative Court**, shall at such time and under the conditions of eligibility as the board of trustees may by regulation prescribe, come within the purview of this section.

Sec. 3. 5 MRSA § 1151, sub-§ 2, ¶A, as amended by PL 1971, c. 589, § 1, is further amended to read:

A. Each eligible state employee or teacher or Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court **or Judge of the Administrative Court** to whom this section applies shall be eligible to be insured for an amount of group life insurance approximating his annual compensation and an equal amount of group accidental death and dismemberment insurance in accordance with the following schedule. The board of trustees may permit eligible state employees or teachers or Justices of the Supreme Judicial Court or Justices of the Superior Court or Judges of the District Court **or Judges of the Administrative Court** to purchase up to double the amounts shown in Table A; provided that any additional life insurance coverage authorized shall be in force only during the active service of the state employee or teacher or Justices of the Supreme Judicial Court or Justices of the Superior Court or Judges of the District Court **or Judges of the Administrative Court** and upon retirement the maximum coverage shall be in accordance with Table A and subject to sub-section 9, paragraph A. The board of trustees shall by regulation prescribe the conditions of eligibility for this additional insurance.

Sec. 4. 5 MRSA § 1151, sub-§ 2, ¶B, first 2 paragraphs, as amended by PL 1967, c. 544, § 15, is further amended to read:

Each eligible state employee or teacher or Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court **or Judge of the Administrative Court** to whom this section applies shall be eligible to elect to insure the life of a dependent, not otherwise insured under this section, as follows:

The amount of life insurance, according to age at death, which shall be paid in the event of death from any cause shall be:

Employee's spouse	\$2,000
Child 6 months to 19 years	500
Child under 6 months	100

The term "dependent" means only an employee's spouse or an employee's

legitimate unmarried child, which term shall include a stepchild or legally adopted child, under 19 years of age. During any period in which an employee or teacher or Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court or **Judge of the Administrative Court** shall have elected to insure a dependent as provided in this subsection, the full cost of same shall be withheld by payroll deduction or deductions as provided in subsection 6 and any benefits shall be payable as provided in subsection 3. If an employee or teacher or Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court or **Judge of the Administrative Court** shall have elected to insure a dependent as provided in this subsection, any insurance on any dependent shall cease upon the employee or teacher's or Justice of the Supreme Judicial Court or Justice of the Superior Court or Judge of the District Court's **Court's Court or Judge of the Administrative Court's** separation from the service subject to provisions which shall be contained in the policy for conversion to an individual policy of life insurance on the spouse.

Sec. 5. 5 MRSA § 1151, sub-§ 2, last ¶, first sentence, as amended by PL 1971, c. 589, § 2, is further amended to read:

The board of trustees may purchase through the payment of a single premium on behalf of eligible state employees and teachers and Justices of the Supreme Judicial Court and Justices of the Superior Court and Judges of the District Court **and Judges of the Administrative Court** paid-up life insurance to be effective in a prescribed level amount upon retirement for reasons other than occupational disability.

Sec. 6. 5 MRSA § 1151, sub-§ 7, 3rd ¶, as last amended by PL 1977, c. 694, § 26, is further amended to read:

Anything to the contrary notwithstanding, any dividends, premium rate adjustments or accumulations developed for any reason shall be used either to reduce or eliminate any contribution otherwise required from the Unappropriated Surplus of the General Fund or to increase benefits to state employees and teachers and Justices of the Supreme Judicial Court and Justices of the Superior Court and Judges of the District Court **and Judges of the Administrative Court**, as the board of trustees shall order necessary to implement such usage or usages.

Sec. 7. 5 MRSA § 1151, sub-§ 9, ¶A, last ¶, as amended by PL 1977, c. 696, § 41-A, is further amended to read:

The mandatory 10 years of coverage immediately prior to retirement clause shall not apply to any ~~Judge or Justice of the Supreme Judicial Court or Superior Court, and or to any Judge of the District Courts Court or Administrative Court~~ nor to any retired ~~judge or justice justice or judge~~ who was insured and who is living on July 3, 1973.

Sec. 8. 5 MRSA § 1151, sub-§ 9, ¶A, as last amended by PL 1977, c. 696, § 41-A, is further amended by adding at the end a new paragraph to read:

The reduction on retirement at the rate of 15% per year of the average amount of insurance for the last 3 years prior to retirement shall not apply to any Justice of the Supreme Judicial Court or Superior Court, or to any Judge of the District Court or Administrative Court nor to any retired justice or judge who was insured and who is living on the effective date of this enactment. The aforesaid average amount of insurance for any justice or judge shall be continued in force at no cost to the justice or judge until the age of 70. At the age of 70, the amount of insurance in force will become 25% of the average amount of insurance.

Effective September 14, 1979

CHAPTER 438

S. P. 363 — L. D. 1110

AN ACT to Clarify the Regionalization of Special Education.

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

20 MRSA § 3125, sub-§ 3, as enacted by PL 1975, c. 732, § 2, is repealed and the following enacted in its place:

3. **Regional programs; plans; approval.** An administrative unit may enter into a cooperative agreement with 2 or more administrative units in order to provide regional programs or supportive services for exceptional children.

A. Programs and services established through this agreement shall meet the requirements of subsection 1.

B. Programs entered into under this section shall specify that:

- (1) One of the administrative units shall serve as fiscal agent;
- (2) No requirement exists for separate budget approval and taxation; and
- (3) No school construction be proposed for special education purposes.

C. A plan for regional programs shall be subject to the approval of the commissioner prior to the implementation of any programs and shall specify:

- (1) The objectives and functions to be performed by the regional programs;
- (2) The method of fiscal operation and cost sharing;