

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE

FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

CHAPTER 529

H.P. 1142 - L.D. 1507

AN ACT to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries.

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

5 MRSA §1128, sub-§1, ¶A, as enacted by PL 1977, c. 573, §3, is amended to read:

A. Any percentage change in the Consumer Price Index from July 1st through June 30th shall be reflected in an equal percentage increase or decrease in the annual retirement allowance beginning in September; ~~except that in the year 1977, such increase or decrease shall be in November.~~

The board of trustees shall automatically make such adjustments in the retirement allowances up to a maximum annual increase or decrease of 4%. The cost of such adjustments shall be determined by the Board of Trustees of the Maine State Retirement System and shall be included in their budget requests; ~~if necessary.~~ Notwithstanding any other provision of this section the percentage increases in September 1983 shall be 4%.

Effective September 23, 1983.

CHAPTER 530

S.P. 635 - L.D. 1792

AN ACT to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legis-

lative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 4 MRSA §110, 2nd ¶, as repealed and replaced by PL 1975, c. 408, §9, is amended to read:

~~The regional presiding justices~~ Chief Justice of the Superior Court shall establish the times and places for holding court within ~~their respective regions~~ each region, shall schedule the business to be conducted and shall specify when the grand jury shall be summoned. A grand jury may be specially summoned at any time by order of a Justice of the Superior Court.

Sec. 2. Effective date. Section 1 of this Act shall take effect January 1, 1984.

Sec. 3. 5 MRSA §1151-A, sub-§2, as enacted by PL 1983, c. 461, §2, is amended to read:

2. Eligibility. This insurance shall be made available to elective and appointive officers and employees of the State and teachers eligible for membership in the Maine State Retirement System, Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court, Judges of the Administrative Court, workers' compensation commissioners and employees of any local district, as provided in paragraph B.

A. The board of trustees by rule may provide for the exclusion of employees on the basis of nature and type of employment or conditions, such as, but not limited to, temporary or project employment. No employee or group of employees may be excluded solely on the basis of the hazardous nature of employment.

B. A local district may participate in this life insurance program, provided that the executive body or the voters of a town with a town meeting

form of government approve the participation and those portions of the program which apply, and file with the board of trustees a copy of the resolution of the executive body or a record of the vote of the town voters certified by the clerk. The beginning date of participation of a local district shall be not more than 6 months following receipt of the certified copy of the vote.

Sec. 4. 5 MRSA §1151-A, sub-§8, ¶A, as enacted by PL 1983, c. 461, §2, is amended to read:

A. On retirement for reasons other than disability, the average amount of basic insurance in force for the last 3 years prior to retirement shall be continued in force at no cost to the participant, provided that he has participated in the group life insurance program for a minimum of 10 years immediately prior to retirement. The average amount shall be reduced at the rate of 15% per year to a minimum of 40% of the average amount or \$2,500, whichever is greater. In determining benefits under this section, the reductions shall become effective at 12:01 a.m. of the day following the first year anniversary of the date of retirement and each succeeding retirement anniversary thereafter until the minimum has been reached.

The reduction on retirement at the rate of 15% a 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 or to any workers' compensation commissioner nor to any retired justice or judge who was insured and who is living on September 14, 1979. The average amount of insurance referred to in this paragraph for any justice or judge shall be continued in force at no cost to the justice or judge until 70 years of age. At the age of 70 years, the amount of insurance in force will become 25% of the average amount of insurance.

Sec. 5. 12 MRSA §403, sub-§5, as enacted by PL 1983, c. 458, §1, is amended to read:

5. East Machias River. The East Machias River, including the Maine River, from the Route 191 ~~bridge~~ Mill Memorial Bridge in East Machias to the outlet of Pocomoonshine Lake, excluding Hadley Lake, Second Lake, Round Lake, Crawford Lake, Lower Mud Lake and Upper Mud Lake;

Sec. 6. 12 MRSA §403, sub-§12, as enacted by PL 1983, c. 458, §1, is amended to read:

12. Penobscot River. The Penobscot River, including the Eastern Channel, from Sandy Point in Stockton Springs up to, but not including, the Veazie Dam, including its tributaries the West Branch of the Penobscot from its inlet into Ambajejus Lake to the western Boundary of T.3, R.10, and from its inlet into Chesuncook Lake up to, but not including, the dam at Seboomook Lake; the East Branch Penobscot River from the Penobscot River up to, but not including, the dam at the outlet of Grand Lake Matagamon; the Wassataquoik Stream from the East Branch of the Penobscot River to Annis Brook in T.4, R.9, W.E.L.S.; the Webster Brook from its inlet into Grand Lake Matagamon up to, but not including, Telos Dam in T.6, R.11, W.E.L.S.; the Seboeis River from the East Branch of the Penobscot River to the outlet of Snowshoe Lake; and the Sawtelle Brook from the Seboeis River up to, but not including, the dam at the outlet of Sawtelle Deadwater, excluding Passamagamet Lake, Webster Lake and White Horse Lake, and Snowshoe Lake;

Sec. 7. Effective date. Sections 5 and 6 of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 8. 33 MRSA §651-A, as enacted by PL 1983, c. 57, is amended to read:

§651-A. Grantor, grantee names; form of indexing

No instrument executed on or after ~~September 17~~ October 1, 1983, may be accepted by a register of deeds for recording unless beneath the signature of the grantor, grantee, if it appears on the instrument, and the person taking the acknowledgement, the name of each signer is typed or printed. Names used for indexing shall be indexed as typed or printed under each signature. A name may be typed or printed under a signature at the registry of deeds by the person bringing the instrument to the registry, provided the name is typed or printed on the instrument prior to the certification on the instrument under section 653 of the time when the instrument was received.

Sec. 9. Effective date. Section 8 of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 10. 36 MRSA §1442, sub-§2, as enacted by PL 1983, c. 92, Pt. A, §2, is amended to read:

2. Amount. The amount of the tax is \$10 per foot for vessels which are less than 15 net tons and \$20 per foot for vessels which are 15 or more net

tons, based on the registered length of the vessel as set forth in the document issued to its owner by the United States Coast Guard.

Sec. 11. Effective date. Section 10 of this Act is retroactive to April 1, 1983.

Sec. 12. 39 MRSA §91, sub-§3, as repealed and replaced by PL 1983, c. 479, §14, is amended to read:

3. Salary; expenses; retirement. Salaries of commissioners are as provided in Title 2, section 7, subsection 2. Members of the commission shall receive their actual, necessary, cash expenses while away from their offices on official business of the commission. Commissioners shall not be members of the Maine State Retirement System. Accumulated contributions, as defined in Title 5, section 1001, subsection 1, which have been paid by commissioners as state employees shall be refunded. Title 4, section 103, providing for compensation upon retirement of Justices of the Superior Court and to benefits for their spouses and surviving minor children, is made applicable to workers' compensation commissioners, except that the state's contribution shall be taken from the Workers' Compensation Fund. Prior service by full-time commissioners holding office on July 1, 1983, shall be included for purposes of this section. Service on any court of this State and, service on the commission and other service as a member of the Maine State Retirement System shall all be credited to the retiree.

Sec. 13. Resolve 1983, c. 21, §3, in that part relating to "2045 - Program Grants," last blocked ¶ is repealed and the following enacted in its place:

Notwithstanding any other provision of law, federal grants under the United States Jobs Partnership Training Act, Public Law 97-300, or other federal job training programs which require York County to assume liability for disallowed expenditures as grant recipient, subrecipient or entity to administer the program, shall not be accepted by the York County Commission-

ers without prior
legislative
approval.

Sec. 14. PL 1983, c. 479, Emergency clause is amended to read:

Emergency clause. In view of the emergency cited in the preamble, sections 3, 5, 6, 9 to 14, 23, 25, 32 and 33 of this Act shall take effect when approved. Sections 1, 2, 4 and 15 to 17 shall take effect on July 1, 1983. The remaining sections shall take effect on January 1, 1984, but shall only apply as to injuries occurring on and after that day.

Sec. 15. PL 1983, c. 370, is amended by inserting at the end a new section to read:

Sec. 16. Effective date. The provisions of this Act shall take effect on January 1, 1984.

Sec. 16. Effective date. Section 15 of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 17. PL 1983, c. 479, §33 is amended to read:

Sec 33. Data system funds. Notwithstanding any other provision of this Act, all unexpended moneys previously appropriated to the Workers' Compensation Commission for the study, acquisition and implementation of a data system shall be retained for that use by the commission. These funds shall not lapse to the General Fund.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except as otherwise indicated.

Effective June 30, 1983, unless otherwise indicated.

CHAPTER 531

H.P. 913 - L.D. 1166

AN ACT Concerning Special
Telecommunications Equipment for the
Deaf, Hearing Impaired and Speech
Impaired.

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