

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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D. No hospital may receive more than one adjustment under this subsection, nor shall any hospital be eligible for such an adjustment if the commission, after hearing, has made a final decision denying the adjustment. An adjustment under this subsection shall become part of payment year financial requirements for purposes of computing subsequent payment year requirements pursuant to section 396-C.

Sec. 2. 22 MRSA §398, sub-§2, as enacted by PL 1983, c. 579, §10, is amended to read:

2. Interim adjustments. Upon application by a hospital, affiliated interest, payor or group of purchasers, for an interim adjustment to financial requirements permitted under section 396-D, or upon application by a payor or group of purchasers for a modification of its approved differential or of the apportionment of the gross patient service revenue, and after opportunity for hearing, a final order shall be promulgated within 120 days from the date a completed application was filed, except that the commission may extend the 120-day period by an additional 60 days with respect to an application for an adjustment under section 396-D, subsection 9-A. Any proposed change shall take effect upon the date specified in the order. At any time during the period between the filing date and the commission's final decision on the request, the commission may extend provisional approval to any part of the request. This provisional approval shall be superseded by the commission's final decision on the request. The commission may establish reasonable limits on the frequency of requests filed under this subsection.

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

Effective April 15, 1987.

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## CHAPTER 52

H.P. 70 — L.D. 73

### AN ACT to Prohibit the Movement of Mobile Homes without Reasonable Assurance that all Drain and Sewer Assessments have been Paid.

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

29 MRSA §1703, last ¶, as repealed and replaced by PL 1977, c. 73, §5, is amended to read:

Permits shall not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal service charges levied by a municipality or sewer district and drain or sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from such taxes.

Effective September 29, 1987.

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## CHAPTER 53

H.P. 187 — L.D. 231

### AN ACT Defining Terms in the Manufactured Housing Zoning Laws.

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

30 MRSA §4965, sub-§1, ¶¶D and E are enacted to read:

D. "Permanent foundation" means all of the following:

- (1) A full, poured concrete or masonry foundation;
- (2) A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor;
- (3) A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
- (4) Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings.

E. "Pitched, shingled roof" means a roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement and which is covered with asphalt or fiberglass composition shingles or other materials, but specifically excludes corrugated metal roofing material.

Effective September 29, 1987.

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## CHAPTER 54

H.P. 704 — L.D. 946

### AN ACT to Amend the Law Concerning Frequency of Local Option Question Elections.

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

Whereas, current law requires that 2 years pass before another vote on the same local option question may be taken; and

Whereas, businesses which depend on their liquor licenses to generate enough income to stay in business must surrender their licenses if a local option question permitting such a business is defeated, and they must

wait 2 years before being able to resume their full operations; and

Whereas, 2 years can cause severe hardship and force some businesses to close; 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.** 28 MRSA §101, next to the last paragraph, as repealed and replaced by PL 1977, c. 630, §2, is amended to read:

Where a municipality has voted in favor of accepting or not accepting a ballot question, the vote shall be effective until repealed according to the procedure established in the next paragraph. No local option vote shall be taken on the same question more often than once in any 2-year one-year period.

**Sec. 2.** 28 MRSA §103, 3rd ¶ is amended to read:

The affirmative or negative vote, as cast, on each such local option question, shall prevail in such unincorporated place, unless and until changed by another such local option vote, subsequently held, on petition to said Secretary of State as provided. No such local option vote shall be taken more often than once in any 2-year one-year period.

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

Effective April 15, 1987.

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## CHAPTER 55

S.P. 319 — L.D. 945

### AN ACT to Require Age Limitations Used in Apprenticeship Programs to be Reasonably Related to Legitimate Job Criteria.

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

**Sec. 1.** 5 MRSA §4572, sub-§1, ¶C, as amended by PL 1977, c. 565, is further amended to read:

C. For any labor organization to exclude from apprenticeship or membership, or to deny full and equal membership rights, to any applicant for membership, because of race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, or be-

cause of any such reason to deny a member full and equal membership rights, expel from membership, penalize or otherwise discriminate in any manner with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, representation, grievances or any other matter directly or indirectly related to membership or employment, whether or not authorized or required by the constitution or bylaws of such labor organization or by a collective labor agreement or other contract, or to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against any member because of race or color, sex, physical or mental handicap, religion, age, ancestry or national origin or to cause or attempt to cause an employer to discriminate against an individual in violation of this section, except that it shall be lawful for labor organizations and employers to adopt a maximum age limitation in apprenticeship programs, provided that the employer or labor organization obtains prior approval from the Maine Human Rights Commission of any maximum age limitation employed in an apprenticeship program. The commission shall approve the age limitation if a reasonable relationship exists between the maximum age limitation employed and a legitimate expectation of the employer in receiving a reasonable return upon his investment in an apprenticeship program. The employer or labor organization bears the burden of demonstrating that such a relationship exists;

**Sec. 2. Transition clause.** This Act does not apply to any apprenticeship program that is governed by a collective bargaining agreement on the effective date of this Act until the expiration of the collective bargaining agreement in effect on that date.

Effective September 29, 1987.

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## CHAPTER 56

H.P. 135 — L.D. 176

### AN ACT to Amend the Law Concerning Handicapped Motor Vehicle Registrations.

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

**Sec. 1.** 29 MRSA §252, first ¶, as amended by PL 1985, c. 325, is repealed and the following enacted in its place:

On annual application to the Secretary of State, any handicapped person shall be issued a special designating placard to be fixed to the sun visor of a motor vehicle properly registered in this State. In these cases, the placard may be displayed only during the time when the handicapped person is the driver of the vehicle, when the handicapped person is a passenger in a vehicle, when the driver of the vehicle is transporting the handicapped per-