

# 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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ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements — Planning and Construction — Administration  
All Other

\$1,200,000

Transfers \$1,200,000 from the Rainy Day Fund Program to the Bureau of Public Improvements — Planning and Construction Administration to provide sufficient funds for the design and reconstruction of the entrance to the Maine State Cultural Building and for related improvements. It is intended that these funds shall not lapse but shall remain available for the same purpose.

**Sec. 8. Black fly control; funds to carry over.** Funds appropriated pursuant to Resolve 1985, chapter 41, for the study of black fly control shall carry over and be available for expenditure in the fiscal year ending on June 30, 1988.

**Sec. 9. Committee to Study the Retirement System.** There is established a committee to study the retirement system which shall consist of 6 members to be appointed as follows: Three members to be appointed jointly by the President of the Senate and the Speaker of the House; and 3 members appointed by the Governor, one of whom shall be designated by the Governor to serve as the committee chairman.

All appointments shall be made no later than 30 days following the effective date of this Act. The Executive Director of the Legislative Council shall be notified by all appointing authorities once their selections have been finalized.

The first meeting of the committee shall be convened by the chairman of the Legislative Council.

1. **Compensation.** The legislative members of the committee shall receive the legislative per diem rate, as defined in the Maine Revised Statutes, Title 3, section 2. Legislators shall not be paid a per diem when they attend meetings of the committee while the Legislature is in session or in conjunction with serving on another board for which they receive compensation. All members of the committee shall be reimbursed for expenses upon application to the Executive Director of the Legislative Council.

2. **Duties and responsibilities.** The committee shall review all aspects of the Maine State Retirement System, to insure its present and future fiscal soundness, including, but not limited to:

- A. The present and alternate systems or methods of funding and contributions;
- B. The present and future investment methods and incomes, including investment management, reporting and policies;
- C. The present and future expenses and costs of the system, including operating expenses, commissions, salaries and indirect costs;

D. The present and future benefit plans and payment methods;

E. The anticipated unfunded liability of the system, or other financial obligations that have not been presently met; and

F. All other aspects of the laws, operations and procedures of the system that relate to its financial stability and fiscal soundness.

3. **Staff.** The committee may contract for those professionals it requires to assist it. In addition, the Legislative Council shall provide staff for the committee.

4. **First meeting.** The chairman of the committee to study the retirement system shall call the first meeting of the committee as soon as possible following the effective date of this Act.

5. **Report.** The committee shall report its findings and recommendations, including any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement at the Second Regular Session of the 113th Legislature.

**Sec. 10. Lease-purchase of computer equipment.** The Legislature is hereby authorized to enter into purchase or lease with option to purchase or lease purchasing financing agreements for data and word processing equipment with an outright purchase price of not more than \$250,000. The Legislature shall finance the cost of this project with "All Other" funds within their regular budget.

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

Effective April 17, 1987.

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## CHAPTER 69

H.P. 960 — L.D. 1289

### AN ACT to Provide for Bilingual Forest Rangers in Northwestern Maine to Enhance and Ensure Adequate Response in Catastrophic or Emergency Situations.

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

Whereas, the need for bilingual forest rangers has become increasingly obvious and immediate; and

Whereas, that need requires immediate response by the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Con-

stitution 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 §8901, sub-§1, as amended by PL 1985, c. 785, Pt. B, §76, is further amended to read:

1. **Appointment.** The Director of the Bureau of Forestry shall appoint forest rangers and a state supervisor, subject to the Civil Service Law. Rangers assigned to posts at Clayton Lake, St. Pamphile, Estcourt Station, Daaquam, Musquacook Lake, Snare Brook and Baker Lake, shall be bilingual in French and English.

**Sec. 2. Application.** The provisions of this Act, shall apply to all assignments made after the effective date of this Act.

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

Effective April 17, 1987.

## CHAPTER 70

H.P. 67 — L.D. 70

### AN ACT to Amend Property Tax Abatement Procedures.

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

**36 MRSA §841, sub-§2,** as repealed and replaced by PL 1979, c. 73, is amended to read:

2. **Infirmity or poverty.** The municipal officers or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application therefor, make such abatements as they believe reasonable in the real and personal taxes on all persons who, by reason of infirmity or poverty, are in their judgment unable to contribute to the public charges. Hearings and proceedings held pursuant to this subsection shall be in executive session and information submitted in support of an application under this subsection shall be confidential. The municipal officers or the State Tax Assessor for the unorganized territory may extend the 3-year period within which they may make abatements under this subsection.

Effective September 29, 1987.

## CHAPTER 71

H.P. 182 — L.D. 226

### AN ACT Relating to Immunization of Post-secondary Students.

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

**20-A MRSA §6359, sub-§1, ¶H,** as enacted by PL 1985, c. 771, §§2 and 7, is repealed and the following enacted in its place:

H. "Student" means any person born after 1956 who attends school full time or who is a candidate for a degree, diploma or graduate certificate.

Effective September 29, 1987.

## CHAPTER 72

H.P. 263 — L.D. 346

### AN ACT to Amend the Law Regarding the Medical Certificate Filed After Death.

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

**22 MRSA §2842, sub-§2,** as amended by PL 1977, c. 382, is further amended to read:

2. **Medical certificate by physician.** The medical certification of the cause of death shall be completed and signed within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when an inquiry as to the cause of death is required by law. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care or another physician designated by the physician in charge had not examined the patient within 48 hours prior to death, or within 2 weeks prior to death in the case of a terminally ill patient, the physician in charge or another physician designated by the physician in charge shall examine the body prior to completing the certification of death process. Any physician who fails to complete the medical certification of the cause of death fully, and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section shall be reported to the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

For the purposes of this subsection, the following terms have the following meanings.

A. "Life-sustaining procedure" means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and shall not include nutrition and hydration.