

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

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or modify the order. At the hearing, all witnesses shall be sworn and the department shall establish the basis for the order and for naming the person to whom the order was directed. The decision of the board may be appealed to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

Sec. 27. 38 MRSA §1310, last ¶, as repealed and replaced by PL 1979, c. 699, §16, is amended to read:

The person to whom the order is directed shall comply immediately. An order may not be appealed to the Superior Court, but a person to whom it is directed may apply to the board for a hearing on the order if the application is made within 48 hours after receipt of the order by the person to whom the order was directed. The hearing shall be held by the board within 48 hours after receipt of application. Within 7 days after the hearing, the board shall make findings of fact and continue, revoke or modify the order. Within 5 working days after receipt of the application, the board shall hold a hearing, make findings of fact and continue, revoke or modify the order. The decision of the board may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter VII.

Sec. 28. 38 MRSA 1319-E, sub-§2, as enacted by PL 1981, c. 478, §7, is repealed.

Sec. 29. 38 MRSA §1364, sub-§6, as enacted by PL 1983, c. 569, §1, is amended to read:

6. Accept funds. The department may accept any public or private funds which may be available for carrying out the purposes of this chapter. The Uncontrolled Sites Fund is established to be used by the department as a nonlapsing revolving fund for carrying out the purposes of this chapter, including the long-term oversight of uncontrolled hazardous substance sites. Money in the fund, not needed currently to meet the obligations of the department in the exercise of its responsibilities under this chapter, shall be deposited with the Treasurer of State to the credit of the fund and may be invested in such a manner as is provided for by law. Interest received on that investment shall be credited to the fund.

Sec. 30. 38 MRSA §1366, last ¶, as enacted by PL 1983, c. 569, §1, is repealed.

Sec. 31. 38 MRSA §1367, last ¶, as enacted by PL 1983, c. 569, §1, is amended to read:

Funds recovered under this section shall be deposited into the account from which the funds were expended Uncontrolled Sites Fund and shall be used by the department to carry out the purposes of this chapter.

Effective September 29, 1987.

CHAPTER 193

H.P. 750 — L.D. 1013

AN ACT to Clarify and Amend the Maine State Retirement Law.

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

Sec. 1. 5 MRSA §17153, sub-§ 1, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 2. 5 MRSA §17153, sub-§1-A is enacted to read:

1-A. Actuarially sound basis. The board shall calculate the funds necessary to maintain the retirement system on an actuarially sound basis, including the unfunded liability arising from payment of benefits for which contributions were not received and shall transmit those calculations to the State Budget Officer as required by chapter 149.

A. For benefits applicable to state employees, teachers or participating local district employees that are established through collective bargaining, the board shall apply the funding methods and assumptions adopted by the board pursuant to this subsection.

B. The Legislature shall appropriate and transfer annually those funds the board determines to be necessary under this subsection to maintain the retirement system on an actuarially sound basis.

C. This subsection may not be construed to require the State to appropriate and transfer funds to meet the obligations of participating local districts to the retirement system.

Effective September 29, 1987.

CHAPTER 194

S.P. 534 — L.D. 1605

AN ACT Concerning the Use of Safety Devices in Public Swimming Pools.

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

22 MRSA §1635 is enacted to read:

§1635. Use of safety equipment in public pools

1. Use of safety equipment by persons who suffer from physical disability or condition. No person may prohibit the use of a life jacket or similar device in a public swimming pool by any person who suffers, as evidenced by a signed statement of a licensed physician,