

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

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PUBLIC LAWS

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personal alert safety system, PASS, by a fire department must meet or exceed the National Fire Protection Association standards.

9. Fire service life safety rope, harness and hardware. Purchases of new fire service life safety rope, harness and hardware by a fire department must meet National Fire Protection Association standards.

§2104. Required provision and use of protective equipment

1. Eye and face protection. Each fire department shall provide and each firefighter shall use eye and face protection when the firefighter is engaged in fire suppression and other operations involving hazards to the eyes and face at all times when the face is not protected by the full facepiece of self-contained breathing apparatus.

2. Hearing protection. Each fire department shall provide and each firefighter shall use hearing protection when the firefighter is operating or riding on fire apparatus and is subject to noise in excess of 90 decibels. Hearing protection must be provided and used when the firefighter is exposed to noise in excess of 90 decibels from power tools or equipment, except in situations when the use of the protective equipment would create an additional hazard to the user.

3. Self-contained breathing apparatus. Each fire department shall provide and each firefighter shall use self-contained breathing apparatus when the firefighter enters structural fires or when proximity hazards require that protection. Each fire department shall establish a program of maintenance and repair to ensure that self-contained breathing apparatus retains its original effectiveness as recommended by the manufacturer.

4. Personal alert safety system. Each fire department shall provide a personal alert safety system or PASS, with every self-contained breathing apparatus.

§2105. Inspection procedure

The Bureau of Labor Standards shall adopt an inspection procedure for self-contained breathing apparatus. The procedure must include at least the following, as specified in the American National Standards Institute Z88.5:

1. All components, air supply and warning devices. A complete inspection of all components, air supply and warning devices to be performed after each use and:

A. For volunteer associations and on-call fire departments, every month; and

B. For full-time fire departments, every week;

2. Facepiece. Cleansing and sanitizing the facepiece after each use; and

3. Record. A record of the date of each inspection and findings for each self-contained breathing apparatus.

§2106. Inspection by and assistance of Bureau of Labor Standards

The Bureau of Labor Standards shall inspect each fire department at least once every 2 years to determine compliance with this chapter. The bureau shall assist fire departments in complying with this chapter.

§2106. Rules

The Bureau of Labor Standards shall adopt rules to carry out and enforce this chapter.

§2107. Inconsistent rules

Any rules or portions of rules adopted by the Department of Labor that are inconsistent with this chapter are void and unenforceable.

Effective September 29, 1987.

CHAPTER 357

H.P. 1263 — L.D. 1727

AN ACT Relating to Construction Standards for Access for Handicapped Persons to Public Facilities.

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

Sec. 1. 25 MRSA §2701, sub-§5, as enacted by PL 1977, c. 80, §2, is repealed and the following enacted in its place:

5. Standards of construction. "Standards of construction" means the most recent standards set forth by the American National Standards Institute in the publication "Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped," except as otherwise exempted or provided by the National Fire Protection Association's Life Safety Code 101 or as amended by rule of the Director of Public Improvements.

Sec. 2. 25 MRSA §2701, sub-§6, as enacted by PL 1981, c. 334, §4, is repealed.

Sec. 3. 25 MRSA §2702-A, sub-§1, as amended by PL 1981, c. 698, §113, is repealed and the following enacted in its place:

1. Amendments to standards. Prior and subsequent to adopting any amendments to the standards, the director shall consult with physically handicapped people and their representatives and with persons regulated by this law and their representatives, to obtain their advice on the advisability, form and effect of any amendments to

the standards.

Sec. 4. 25 MRSA §2702-A, sub-§2, as enacted by PL 1981, c. 334, §6, is amended to read:

2. Application. All construction, remodeling and enlarging begun after January 1, ~~1982~~ 1988, of buildings subject to this chapter shall comply with the ~~1981~~ standards of construction.

Effective September 29, 1987.

CHAPTER 358

S.P. 583 — L.D. 1729

AN ACT Concerning Tax Liens on Time-share Units Owned by One Person.

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

Whereas, time-share units are assessed and taxed separately; and

Whereas, persons who own more than one time-share unit in the same project receive separate notices and demands for payment for each time-share unit; and

Whereas, if a person who owns more than one time-share unit in the same project does not pay the taxes due, the tax collector may file a separate tax lien for the delinquent taxes against each time-share unit; and

Whereas, in discharging the tax liens, the owner of more than one time-share unit may be required to pay much more in costs for recording and discharging the liens than the actual taxes due; and

Whereas, such disproportionate costs are unfair, burdensome and unnecessary; and

Whereas, the current system also places great administrative burdens on municipal tax collectors in areas where such time-share projects exist; and

Whereas, such unfairness will again occur if municipalities cannot adjust the tax lien process as soon as possible; 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. 33 MRSA §593, sub-§2, as enacted by PL

1983, c. 407, §1, is amended to read:

2. Time-share estates as separate estates. Each time-share estate constitutes for all purposes a separate estate in real property. Each time-share estate shall be separately assessed and taxed. The filing and discharge of tax liens on more than one time-share estate owned by the same person are governed by Title 36, section 942-A.

Sec. 2. 33 MRSA §593, sub-§5, as enacted by PL 1983, c. 407, §1, is amended to read:

5. Escrow Account. If the managing entity collects money for taxes, it shall maintain an escrow account with a financial institution licensed by the State, and deposit any moneys collected or received for taxes in the escrow account within 10 days after collection or receipt. The escrow account shall be established in the names of both the managing entity and the municipality in which the time-share estates are located. No withdrawal may be made from the escrow account without the written agreement of the municipality.

Prior to the delinquency date established by the municipality in which the time-share estates are located, the managing entity shall pay to the municipal tax collector all money deposited in the escrow account for the purpose of tax payment. If the amount paid from the escrow account is not sufficient to discharge all taxes and tax-related costs, due and owing, the managing entity may either pay the difference and place a lien on those time-share estates whose owners have not contributed to the escrow account as provided in section 594, or the managing entity may provide a list identifying those owners and their interests to the municipal tax collector who may then proceed to collect the taxes on those interests as allowed by law.

If the tax collector and treasurer use the lien procedure, described in Title 36, sections 942, ~~942-A~~ and 943, to collect delinquent taxes on time-share estates, whenever a notice called for by Title 36, section 942, ~~942-A~~ or 943 is sent to a time-share estate owner, the tax collector and treasurer shall give to the managing entity or leave at the managing entity's last and usual place of abode or send to the managing entity by certified mail, return receipt requested, either a copy of the notice sent to the time-share estate owner or a notice which lists all time-share estate owners to whom notices have been delivered. For sending the notice or notices to the managing entity, the tax collector or treasurer shall be entitled to receive \$5 plus all certified mail, return receipt requested fees, plus the cost of any photocopying.

Sec. 3. 36 MRSA §942, first ¶ is amended to read:

Liens Except as provided in section 942-A, liens on real estate created by section 552, in addition to other methods established by law, may be enforced in the following manner.