

# 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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F. Administrative penalties and cessation of operations to ensure compliance with this subsection.

2. Other activities. For any asbestos project not subject to the specific considerations of subsection 1, reasonable precautions to prevent the release of asbestos to the environment shall be made. At a minimum, the following precautions shall be considered:

A. Construction of adequate barriers to contain asbestos fibers released within the work area;

B. Wetting of all asbestos-containing material prior to removal and during collection;

C. Use of high efficiency particulate air vacuum equipment and wet-cleaning techniques to clean up the work area following abatement until there is no visible residue;

D. Containing waste in appropriately labeled impermeable containers; and

E. Proper storage, transfer and disposal to an approved landfill facility in a manner that does not release fibers into the air.

#### §1281. Emergency provisions

In an emergency that results from a sudden, unexpected event that is not a planned asbestos abatement project, the commissioner may waive the requirements for a license or certificate. For the purposes of this section, emergency includes operations necessitated by non-routine failures of equipment or by actions of fire and emergency medical personnel pursuant to duties within their official capacities. Any person who performs an asbestos abatement activity, which activity would normally require notification pursuant to section 1273, subsections 2 and 3, under emergency conditions, shall notify the commissioner by phone within one working day and in writing within 3 days after performance of that activity.

#### §1282. Standards of conduct

The Board of Environmental Protection shall promulgate rules which establish standards of acceptable professional conduct for licensees and certificate holders engaged in asbestos abatement activities, as well as specific acts and omissions that constitute grounds for the reprimand of any licensee or certificate holder, the suspension or revocation of a license or certificate or the denial of the renewal of a license or certificate.

#### §1283. Interim procedures

In developing a program to implement this chapter, the commissioner shall provide for interim licensing and certification procedures to ensure a transition period of not less than 180 days before the application of the requirements established in this chapter.

#### §1284. Assistance from other departments

The Commissioner of Administration, the Commissioner of Labor and the Commissioner of Human Services shall assist the Commissioner of Environmental Protection in the enforcement of the licensing and certification requirements of this chapter.

**Sec. 2. Allocation.** The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	<u>1988-89</u>	<u>1989-90</u>
<u>ENVIRONMENTAL PROTECTION,</u> <u>DEPARTMENT OF</u>		
Maine Environmental Protection Fund		
Positions	(5)	(5)
Personal Services	\$108,518	\$117,595
All Other	34,032	34,032
Capital Expenditures	30,450	
Total	<u>\$173,000</u>	<u>\$151,627</u>

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

Effective June 26, 1987.

## CHAPTER 449

H.P. 1358 — L.D. 1860

### AN ACT to Amend the Uniform Commercial Code Regarding Tribal Government.

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

Whereas, there is a critical need for the Maine Indian tribes to be able to grant security interest in the property to lenders in order to obtain credit for enterprises owned by the tribes; and

Whereas, current law must be clarified to make clear that tribal governments, like other borrowers, can grant security interests in tribal property; and

Whereas, an immediate change in Article 9 of the Maine Uniform Commercial Code enabling tribal governments to grant security interests is necessary, so that they may obtain credit and continue the operation of enterprises owned by the tribes; 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.** 11 MRSA §9-104, sub-§5, as reenacted by PL 1977, c. 696, §121, is amended to read:

(5) To a transfer by a government or governmental subdivision or agency other than an Indian tribal government; or

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

Effective June 26, 1987.

## CHAPTER 450

S.P. 522 — L.D. 1637

### AN ACT to Provide an Accident and Sickness or Health Insurance Program to Retired Teachers.

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

**Sec. 1.** 5 MRSA c. 421, sub-c. IV, art. 7 is enacted to read:

#### ARTICLE 7

#### STATE RETIRED TEACHERS' HEALTH INSURANCE FUND

##### §17411. Establishment

The State Retired Teachers' Health Insurance Fund is established to which shall be credited all money provided by the State to pay premiums for group accident insurance and group sickness or health insurance for persons eligible for these payments under Title 20-A, section 13451.

##### §17412. Payment of premium

All premiums for group accident insurance or group sickness or health insurance paid by the retirement system for retired teachers shall be paid from the State Retired Teachers' Health Insurance Fund.

##### §17413. Administration of fund

1. Estimate. Biennially the board shall estimate the amount of money which is deemed necessary to be paid into the State Retired Teachers' Health Insurance Fund during the upcoming biennium to provide for the payment of retired teachers' health insurance premiums and the State shall pay that amount to the State Retired Teachers' Health Insurance Fund for that purpose.

2. Unexpended balance. Any unexpended balance may not lapse, but shall constitute a continuous carrying account.

**Sec. 2.** 20-A c. 505-A is enacted to read:

#### CHAPTER 505-A

#### RETIRED TEACHERS' HEALTH INSURANCE

##### §13451. Group accident and sickness or health insurance for retired teachers

Group accident and sickness or health insurance shall be available to retired teachers as defined in Title 5, section 17001, subsection 42, subject to the following.

1. Eligibility; retired teacher members. Any retired teacher who receives a retirement benefit from the Maine State Retirement System shall be eligible for group accident and sickness or health insurance, provided that the retired teacher also meets the eligibility requirements for participation imposed by the group plan that governed the teacher last as an active teacher and participated in the plan for one year immediately prior to retirement or October 1, 1987, whichever comes last. Retired teachers may not be required to maintain a dues paying membership in any organization as a requirement for participation in a group health insurance plan under this subsection.

2. Master policy certificates. The insurance company or companies or nonprofit organizations, or both, shall furnish the usual master policy and certificates. The original master policy and certificate shall be held by the organization offering the insurance plan and the Commissioner of Administration shall hold a certified copy. Each insured retired teacher-member shall receive a certificate setting forth the benefits to which entitled, to whom payable, to whom claims shall be submitted and summarizing the provisions of the policy principally affecting the retired teacher-member.

3. Payment by State. The State through the Maine State Retirement System shall pay 10% of only the retired teacher members' share of this insurance.

**Sec. 3. Effective date.** This Act shall take effect October 1, 1987.

Effective October 1, 1987.

## CHAPTER 451

H.P. 1290 — L.D. 1768

### AN ACT to Prohibit Initial Service Charges by Public Utilities.

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

Whereas, electric utilities have been assessing initial service charges since May 1, 1987; and