

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Whereas, the effective date for those laws is January 1st in each year for which there is an increase in the minimum size; and

Whereas, the lobster industry commonly stores lobsters through the winter months which were caught during the preceding calendar year; and

Whereas, lobsters thus stored may be legal at the time stored, but not at the time sold by virtue of the increase in the legal minimum size occurring during the time of storage; 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:

12 MRSA §6431, sub-§6-A is enacted to read:

6-A. Grace period. There is a 180-day grace period following the effective date of each of the minimum size increases as provided in this section within which a person holding a wholesale or retail seafood dealer license or a lobster transportation license may handle lobsters legally purchased or received in the prior year which do not meet the new minimum size requirements.

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

Effective October 19, 1987.

CHAPTER 551

H.P. 1399 — L.D. 1898

AN ACT to Change the Effective Date of the Mahogany Quahog Tax and to Abate Taxes Previously Assessed under the Law.

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

Whereas, the Legislature instituted a mahogany quahog tax as part of an emergency Act which became effective on June 29, 1987; and

Whereas, it was the intent of the Legislature that the mahogany quahog tax become effective on September 29, 1987; and

Whereas, dealers handling mahogany quahogs were not aware of the fact that the tax was effective immediately and therefore unknowingly failed to complete the necessary paperwork, keep records and pay the required taxes; and

Whereas, in order to restore the Legislature's intent and to prevent any injustice to the citizens of Maine, it is necessary to enact legislation to immediately change the effective date of the mahogany quahog tax; 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:

36 MRSA §4717 is enacted to read:

§4717. Abatement and credit

1. Tax not assessed. No tax may be assessed under section 4712 for the period between June 29, 1987, and September 30, 1987.

2. Taxes collected or assessed. Any tax collected or assessed under this chapter for the period between June 29, 1987, and September 30, 1987, shall be abated. The Bureau of Taxation shall credit any tax paid to the account of the taxpayer or send the taxpayer a refund.

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

Effective October 19, 1987.

CHAPTER 552

H.P. 1389 — L.D. 1888

AN ACT to Delay Implementation of Certain Fire Safety Standards.

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

Whereas, fire safety standards are of the utmost importance in protecting firefighters; and

Whereas, municipalities bear the cost of providing adequate training and equipment for firefighters; and

Whereas, since the passage of the new fire safety standards in June, municipalities have not been able to revise their budgets to include expenditures to meet the new standards; and

Whereas, some delay in implementation of the standards is necessary to enable municipalities to comply with the standards, without greatly decreasing the protection of the safety standards; 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. 26 MRSA §2103, sub-§1, ¶¶F and G, as enacted by PL 1987, c. 356, are amended to read:

F. Hearing protection; and

G. Self-contained breathing apparatus;

Sec. 2. 26 MRSA §2103, sub-§1, ¶¶H and I, as enacted by PL 1987, c. 356, are repealed.

Sec. 3. 26 MRSA §2103, sub-§7, as enacted by PL 1987, c. 356, is amended to read:

7. Self-contained breathing apparatus. Purchases of new respiratory apparatus by a department must be classified as pressure demand, self-contained and have a minimum of 1/2 hour normal service life plus an additional 1/2 hour capacity in a spare cylinder. The entire unit must meet the Maine Mine Safety Health Administration, the National Institute for Occupational Safety and Health and the National Fire Protection Association standards.

Self-contained breathing apparatus must contain a minimum air supply of 80% of the rated capacity of the cylinder to be considered in-service.

Purchases of new harnesses for respiratory apparatus by a fire department must be constructed of fabric that provides thermal protection consistent with the minimum requirements for protective clothing. Harnesses must be certified by the National Institute for Occupational Safety and Health.

Sec. 4. 26 MRSA §2104, sub-§3, as enacted by PL 1987, c. 356, is repealed and the following enacted in its place:

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.

This subsection is effective beginning October 1, 1988.

Sec. 5. 26 MRSA §2104, sub-§4, as enacted by PL 1987, c. 356, is repealed and the following enacted in its place:

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

This subsection is effective beginning October 1, 1988.

Sec. 6. 26 MRSA §§2106 and 2107, as enacted by

PL 1987, c. 356, are repealed and the following enacted in their place:

§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.

§2107. Rules

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

Sec. 7. 26 MRSA §2108 is enacted to read:

§2108. Inconsistent rules

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

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

Effective October 19, 1987.

CHAPTER 553

H.P. 1412 — L.D. 1915

AN ACT to Clarify the Law Affecting the Transfer of Shoreland Property.

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

Whereas, ambiguities in recently enacted law regarding transfers of certain types of property in the shoreland zone may seriously impede timely transfer of such properties and impose serious hardships on property owners; and

Whereas, the defects in the existing law may cast doubt on the validity of title to certain shoreland properties; and

Whereas, legislation is necessary in order to avoid disruption in the transfers of property and clouds on the title to property transferred on or after September 29, 1987; 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,