

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

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Sec. 2. 26 MRSA §2103, sub-§1, ¶¶H and I, as enacted by PL 1987, c. 356, are repealed.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Sec. 4. 26 MRSA §2104, sub-§3, as enacted by PL 1987, c. 356, is repealed and the following enacted in its place: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,

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

Sec. 1. 30 MRSA §3223-B, sub-§1, as enacted by PL 1987, c. 381, is amended to read:

1. Inspection. The disposal system has been inspected within the preceding 180 days by a person licensed pursuant to Title 22, section 42, and not found to be malfunctioning who shall report his findings and provide any documentation as required by rules adopted by the Department of Human Services; and

Sec. 2. 30 MRSA §3223-B, as enacted by PL 1987, c. 381, is amended by adding at the end a new paragraph to read:

The Department of Human Services shall adopt rules for the implementation of this section on or before June 1, 1988. The rules shall govern the scope of the inspection necessary for compliance, the findings necessary and the content and distribution of the documentation required. At a minimum, the rules shall provide for inspections sufficient to determine whether or not the system is in compliance with the Maine State Plumbing Code. The department shall send copies of the proposed rules to all persons licensed pursuant to Title 22, section 42. The department shall report on its progress in implementing this section together with draft rules and any necessary legislative recommendations to the joint standing committee of the Legislature having jurisdiction over energy and natural resources on or before March 1, 1988. The requirements of this section for transfers of property in the shoreland area apply to transfers on or after June 1, 1988.

Sec. 3. Transition. This Act shall apply to all transfers of title to property which occurred on or after September 29, 1987.

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

Effective October 19, 1987.

CHAPTER 554

H.P. 1395 — L.D. 1894

AN ACT to Make Supplemental Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

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

Whereas, the Judicial Department needs certain employees for the proper operation of the courts whose employment with the department will be terminated unless permanent positions are authorized and funded; 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. PL 1985, c. 813, §2, sub-§1, 6th sentence is repealed and the following enacted in its place:

All members of the Task Force shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at task force meetings and shall also receive reimbursement for expenses upon application to the Executive Director of the Legislative Council.

Sec. 2. PL 1987, c. 349, Pt. H, §38, sub-§5 is amended to read:

5. Report. The commission shall report its findings and recommendations, including any implementing legislation, to the Second Regular Session of the 114th Legislature by February 15, 1988 1990.

Sec. 3. PL 1987, c. 349, Pt. H, §38, sub-§6, next to last paragraph is amended to read:

The departments shall utilize the General Fund support as matching funds for any available federal funds on a 25% state, 75% federal cost share basis. The contractor shall report at least monthly to the commission and shall be required to submit a final interim report to the commission by December 1, 1987 1988, and a final report no later than December 1, 1990.

Sec. 4 Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

| | <u>1987-88</u> | <u>1988-89</u> |
|---|------------------|------------------|
| <u>FINANCE, DEPARTMENT OF</u> | | |
| Employer Stipend Fund | | |
| Personal Services | \$(100,000) | |
| Deappropriates funds no longer needed | | |
| <u>JUDICIAL DEPARTMENT</u> | | |
| Courts — Supreme, Superior, District and Administrative | | |
| Positions | (17) | (17) |
| Personal Services | \$273,689 | \$284,637 |
| Provides fund to establish 17 permanent positions originally hired on a temporary basis. It is the intent of the Legislature that the Judicial Department shall not establish any temporary employee positions prior to receiving legislative approval for those positions. | | |
| TOTAL | <u>\$173,689</u> | <u>\$284,637</u> |