

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
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

§1121. Program monitoring

By January 1, 1989, and every 2 years thereafter, the Department of Agriculture, Food and Rural Resources and the Bureau of Taxation shall review the level of participation in the farm and open space tax program, the taxes saved due to that participation, the fiscal impact, if any, on municipalities, including the impact of any penalties assessed under section 1112 and the effectiveness of the program in preserving farmland and open space. The department and the bureau shall report to the joint standing committee of the Legislature having jurisdiction over taxation within 6 months after completion of the review on the status of the program. The department and the bureau shall identify problems that prevent realization of the purposes of this subchapter and potential solutions to remedy those problems.

Effective August 4, 1988.

CHAPTER 729

H.P. 1736 — L.D. 2381

AN ACT Relating to Prison Furloughs.

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

Sec. 1. 34-A MRSA §3035, sub-§2, as enacted by PL 1983, c. 459, §6, is amended to read:

2. Furlough. The Subject to subsection 5, the commissioner may grant to a committed offender furlough from the facility in which he is confined under the following conditions.

A. Furlough may only be granted subject to rules adopted by the commissioner.

B. Furlough may be granted for not more than 10 days at one time for a visit to a dying relative, for attendance at the funeral of a relative, for the contacting of prospective employers or for any other reason consistent with the rehabilitation of a committed offender.

C. Furlough may be granted for the obtaining of medical services for a period longer than 10 days if medically required.

Sec. 2. 34-A MRSA §3035, sub-§5 is enacted to read:

5. Time served before furlough. No furlough may be granted until the offender has served 50% of the original sentence imposed, after consideration of any good time that the offender has received and retained under Title 17-A, section 1253. This section does not apply to furloughs granted under subsection 2, paragraph B or C.

Sec. 3. Application. This Act applies only to per-

sons convicted and sentenced after the effective date of this Act.

Effective August 4, 1988.

CHAPTER 730

H.P. 1869 — L.D. 2558

AN ACT to Ensure that a Certain Percentage of Public Housing is Handicapped Accessible.

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

Sec. 1. 5 MRSA §4582, as amended by PL 1985, c. 638, §1, is further amended by adding at the end a new paragraph to read:

With respect to any form of public housing or any housing that is financed in whole or in part with public funds offering housing accommodations containing 20 or more units for which construction is begun after October 1, 1988, no less than 10% of the ground level units and a minimum of 10% of the upper story units connected by an elevator shall be accessible to and useable by physically handicapped persons. For purposes of this section, a newly constructed housing unit is deemed accessible to and useable by handicapped persons if it meets the requirements of the 1986 standards set forth by the American National Standards Institute in the publication, "Specifications for Making Buildings Accessible to and Useable by Physically Handicapped People," ANSI A 117.1-1986. A remodeled, renovated or enlarged housing unit where the remodeling, renovating or enlarging is begun after October 1, 1988, is deemed accessible to and useable by handicapped persons if it meets the requirements of the following 4 parts of the 1986 American National Standards Institute standards: 4.3 accessible routes; 4.23 doors; 4.34.5 adaptable bathrooms; and 4.29.3 tactile warnings on doors to hazardous areas.

Sec. 2. 22 MRSA §3-C is enacted to read:

§3-C. Clearinghouse of information on handicapped housing accessibility

The commissioner shall establish a central clearinghouse of information concerning housing available throughout the State that is accessible in whole or in part to handicapped people. The clearinghouse of information shall also provide information to the general public and building construction contractors with respect to handicapped accessible housing standards and costs, location of need for handicapped housing, the type of handicapped housing for which there is demand and any other information deemed by the commissioner to be useful or necessary.

Sec. 3. 25 MRSA §2702-A, sub-§3 is enacted to read:

3. Construction of new public housing. Notwithstanding subsection 2, all newly constructed public housing containing 20 or more units for which construction begins after October 1, 1988, shall meet the following standards.

A. No less than 10% of the ground level units may be accessible to and useable by physically handicapped persons.

B. A minimum of 10% of the upper story units connected by an elevator, as provided in section 2702, subsection 6, shall be accessible to and useable by handicapped persons.

Effective August 4, 1988.

CHAPTER 731

S.P. 937 — L.D. 2470

AN ACT Relating to the State Health Insurance Program and the Bureau of State Employee Health.

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

Sec. 1. 5 MRSA c. 13, sub-c. II, first 2 lines, are repealed and the following enacted in their place:

SUBCHAPTER II

STATE EMPLOYEE HEALTH INSURANCE PROGRAM

Sec. 2. 5 MRSA §285, sub-§2, as amended by PL 1985, c. 785, Pt. A, §30, is repealed and the following enacted in its place:

2. Coverage. Each state employee to whom this section applies shall be eligible for group accident and sickness or health insurance as provided in Title 24-A, sections 2802 to 2812, including major medical benefits. The provisions of these group insurance policy or policies shall be determined, insofar as the provisions are not inconsistent with terms and conditions contained in collective bargaining agreements negotiated pursuant to Title 26, chapter 9-B, by the State Employee Health Commission as provided in section 285-A. The master policy for the group insurance shall be held by the Commissioner of Administration.

Sec. 3. 5 MRSA §285, sub-§3, as amended by PL 1969, c. 588, §1, is further amended to read:

3. Enrollment. Any employee eligible under this section may join within the first 60 days of his employment or during a declared open enrollment period. The filing of necessary applications shall be the responsibility of the employer. Effective dates under this section

shall be at the discretion of the board of trustees commission.

Sec. 4. 5 MRSA §285, sub-§5, as amended by PL 1985, c. 785, Pt. A, §31, is repealed and the following enacted in its place:

5. Purchase of policies. The commission shall purchase, by competitive bidding, from one or more insurance companies or nonprofit organizations, or both, a policy or policies of group accident and sickness or health insurance, including major medical insurance, to provide the benefits specified by this section. Notwithstanding this subsection, with the consent of the policyholder and of the insurer and at the sole discretion of the commission, existing policies of insurance covering at least 1,000 of the employees defined as eligible by this section may be amended to provide the benefits specified by this section and assigned to the Commissioner of Administration for the benefit of all those eligible under this section. The company or companies or nonprofit organizations must be licensed under the laws of the State. The policy provisions shall be subject to and as provided for by the insurance laws of this State.

Sec. 5. 5 MRSA §285, sub-§7, as amended by PL 1985, c. 693, §12, is further amended to read:

7. Payment by State. Except as otherwise provided in this subsection, the State, through the board of trustees commission, shall pay 100% of only the employee's share of this insurance, except for Legislators where the State shall pay 50% of the Legislators' health insurance premium for dependent coverage. For any person appointed to a position after November 1, 1981, who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours.

Sec. 6. 5 MRSA §285-A is enacted to read:

§285-A. State Employee Health Commission

1. Establishment. The State Employee Health Commission is established to serve as trustees of the group accident and sickness or health insurance in this subchapter and to advise the Director of State Employee Health on health insurance issues and other issues concerning health and wellness, the employee assistance program and the use of the State Employee Health Internal Service Fund Account, section 956.

2. Membership. The State Employee Health Commission shall consist of 15 labor and management members as follows:

A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B appointed by the employee organization certified to represent the unit;

B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;