

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
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

C. One labor member appointed by the retiree chapters of the Maine State Employees Association;

D. Four management members appointed by the Commissioner of Administration;

E. One management member appointed by the Court Administrators; and

F. The Director of State Employee Health, ex officio.

All appointed or elected members shall serve at the pleasure of their appointing or electing authorities.

3. Voting. All votes of the commission shall be one vote cast by labor and one vote cast by management. The votes shall be cast by the labor cochairman who shall be chosen by the labor members, and the vote shall represent the majority opinion of the labor members of the commission, and by the management cochairman who shall be the Director of State Employee Health.

Sec. 7. 5 MRSA §286, as amended by PL 1985, c. 785, Pt. B, §16, is repealed and the following enacted in its place:

§286. Administration

The Commissioner of Administration shall be responsible for the operation of the state employee health insurance program, administering program services through offices, systems, consultants and staff necessary to provide cost effective, accessible and responsive services to eligible employees and retirees. Administration of the program shall be consistent with rules promulgated by the commission.

Appeals by eligible employees or retirees shall be to hearing officers designated by the commission.

The cost of administration of the state employee health insurance program shall be funded from an administrative allowance to be negotiated by the commission with the health benefit carrier or carriers. Indirect costs may not be allocated to the program.

The commissioner shall establish a fund through the Treasurer of State in which premium dividends, return of premiums resulting from risk reduction programs and any other receipts shall be deposited to be used for the purposes of the state employee health insurance program as determined by the commission. Interest earned from investment of the fund shall be credited to the fund.

An annual report shall be prepared for the Governor concerning the number of participants, premiums charged, utilization of benefits and operating costs. The report shall also include recommendations regarding future operation of the program.

Sec. 8. 5 MRSA §955, last ¶, as enacted by PL 1985, c. 785, Pt. C, §1, is repealed and the following enacted in its place:

The director shall work with the Bureau of Employee Relations, the State Employee Health Commission established in section 285-A, and other labor management groups to maximize the involvement of state employees and their representatives in the planning and execution of all programs under the charge of the bureau, including, but not limited to, the health insurance issues, the employee assistance program and the planning and use of the State Employee Health Internal Service Fund Account.

Sec. 9. 5 MRSA §12004, sub-§7, ¶A, sub-¶(8) is repealed and the following enacted in its place:

(8)	<u>State Employee Health Commission</u>	<u>Expenses Only</u>	5 MRSA §285-A
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Sec. 10. Transition.

1. Contracts and agreements. All contracts and agreements currently in effect with respect to the state employee health insurance program affected by this Act shall remain in effect until rescinded, terminated or modified as provided by state law.

2. Rules and procedures. All rules and procedures currently in effect pertaining to the state employee health insurance program shall remain in effect until rescinded or amended as provided by state law.

3. Board of trustees. The current board of trustees of the state employee health insurance program shall remain in effect until the members of the State Employee Health Insurance Commission have been appointed and qualified.

4. Funds, personnel, property and equipment. All funds, personnel, equipment and property relating to the Accident and Sickness or Health Insurance Program remain with the state employee health insurance program.

Effective August 4, 1988.

CHAPTER 732

H.P. 1919 — L.D. 2618

AN ACT Relating to 6-Axle Vehicles Carrying General Commodities.

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

Sec. 1. 29 MRSA §1652, sub-§1, ¶F is enacted to read:

F. Paragraphs A, B and E notwithstanding, a combination vehicle consisting of a 3-axle tractor operating in combination with a tri-axle semitrailer may be operated, or caused to be operated, with a maximum gross weight of 100,000 pounds provided that:

(1) The distance between the extreme axles, excluding the steering axle, shall not be less than 36 feet as measured to the nearest foot;

(2) The minimum distance between the steering axle and the first axle of the tandem axle group shall be at least 10 feet as measured to the nearest foot;

(3) The maximum weight on the tandem axle shall not exceed 41,000 pounds and maximum weight on the tri-axle shall not exceed 50,000 pounds;

(4) For all vehicles manufactured in model year 1989 and after, all liftable axles shall be prohibited;

(5) All brakes, axles and suspensions shall be certified with respect to weight capacity by a final stage manufacturer. The certification shall be presented before the permit is issued. The certification shall be affixed to or carried in the vehicle and presented upon request by any law enforcement officer;

(6) Nothing in this paragraph may be construed to permit a gross or axle weight on the Interstate Highway System, as defined in the United States Highway Act of 1956, in excess of those limits established for that system in this section;

(7) A general commodity permit authorizing the operation has been obtained. The permit shall be carried in the vehicle at all times. The fee for an annual permit is \$360. The fee for a 3-month permit is \$100. A permit may be issued for a registration period of 4 months or more on a monthly prorated basis.

Permits may be transferred to another vehicle for an additional fee of \$2. Any balance for the permit fee in paragraph E may be applied toward this permit fee, provided that the original permit was issued for the same vehicle or was duly transferred. The permit may be obtained upon furnishing proof of certification and payment of the required fee from any branch office of the Secretary of State, Division of Motor Vehicles, or from any agent of the Secretary of State who has been appointed by the Secretary of State. Municipal agents may charge the applicant for a permit \$1 over the required permit fee and may retain that \$1 for performing this function.

All revenue generated by the permit fee authorized under this subparagraph shall be expended towards the enforcement of truck weight regulations;

(8) The vehicle is registered for 80,000 or more pounds;

(9) A vehicle for which a permit has been obtained under this paragraph may be operated under the provisions of section 1655 without the payment of any additional fee; and

(10) A vehicle with a general commodity permit under this paragraph may carry those special commodities specified in section 1655 under the conditions of that section, except that no additional permit is required.

Sec. 2. 29 MRSA §1654, as amended by PL 1987, c. 199, §3, is further amended by adding at the end a new paragraph to read:

Notwithstanding this section, with respect to vehicles operated under the provision of section 1652, subsection 1, paragraph F, gross weight violations shall be calculated from the basis of 80,000 pounds.

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1988-89
<u>PUBLIC SAFETY, DEPARTMENT OF</u>	
Motor Carrier Safety	
Positions	(2)
Personal Services	\$ 76,447
All Other	40,686
Capital Expenditures	32,868
Total	<u>\$150,000</u>
Provides funds for 2 law enforcement officers and general operating expenses to perform truck weight enforcement. Any unexpended balance shall not lapse, but shall remain a continuing carrying account until the purpose of this Act has been accomplished.	

Effective August 4, 1988.

CHAPTER 733

S.P. 858 — L.D. 2246

AN ACT to Require State-Leased Buildings to Meet Certain Air Quality Standards.

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

Sec. 1. 5 MRSA §1742, sub-§22, as amended by PL 1987, c. 407, §2, is further amended to read:

22. Drug-related seized property. To review and comment on all records provided by the Commissioner of Public Safety relating to the disposition of drug-related seized property pursuant to Title 22, section 2387, subsection 5; and

Sec. 2. 5 MRSA §1742, sub-§23, as enacted by PL 1987, c. 407, §3, is amended to read: