

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Allocation. Resolved: That the following funds are allocated from the Public Utilities Commission Reimbursement Fund to carry out the purposes of this resolve:

1987-88

PUBLIC UTILITIES COMMISSION

9-1-1 Study Commission	
Personal Services	\$ 380
All Other	6,415
Total	<u>\$6,745</u>

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9-1-1 Study Commission	
Personal Services	\$1,705
All Other	1,550
Total	<u>\$3,255</u>

These allocations are to provide for per diem and expenses for the 9-1-1 Study Commission.

TOTAL ALLOCATIONS \$10,000

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

Effective June 26, 1987.

CHAPTER 53

S.P. 187 — L.D. 514

Resolve, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System.

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

Whereas, the Joint Select Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System completed its review of the similarities and differences between the 2 systems, developed a model to compare the pension benefits under both systems and submitted a report on its findings to the Governor and the 113th Legislature; and

Whereas, the new federal income tax law will affect the manner in which employer pension plans can be established and the regulations governing these plans will be developed early this year; and

Whereas, litigation establishing whether Maine State Retirement System benefits are negotiable items under contract negotiations between state employees and their employer will be decided this year; and

Whereas, the next step is to work with the actuary from the Maine State Retirement System to develop specific options for an integrated plan; and

Whereas, the commission's work to develop plans should be started in late winter or early spring of this year; 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

Integration of the Maine State Retirement System and the United States Social Security System. Resolved: That it appears likely that the Federal Government will expand mandatory coverage of Medicare and Social Security benefits beyond Medicare for newly hired public employees in the coming years; and be it further

Development of a supplementary plan. Resolved: That prior to any mandatory requirement by the Federal Government that all public employees be covered under Social Security, the State should develop an actuarially-sound plan which would provide a Maine State Retirement System plan which would supplement, and not duplicate, Social Security benefits; and be it further

Continuation of the Joint Select Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System continued; expenses. Resolved: That the commission established in compliance with Resolve 1985, chapter 88, shall be continued. The members of the commission shall be paid reasonable expenses and a per diem equal to the legislative per diem; and be it further

Report. Resolved: That this commission shall prepare and present a report to the Governor and the Legislature no later than December 1, 1987. This report shall include, but not be limited to:

1. A description of the principles upon which the integrated plan shall be based, including the specific benefits for retirement, disability and survivors' pensions;

2. A comparative analysis of how employees with a variety of state and private sector employment patterns will benefit under the integrated versus existing benefit packages; and

3. A projected cost of the new plan for participating district employees, teachers and state employees; and be it further

Staff support. Resolved: That the State Planning Office and the Maine State Retirement System shall provide technical assistance in developing an integrated plan. The commission may request staff assistance from the Legislative Council to carry out and coordinate the analysis and to assist the commission; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

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Joint Select Commission to Study
the Integration of the Maine State
Retirement System and the United
States Social Security System.

Personal Services	\$ 1,500
All Other	4,500

Total	<u>\$6,000</u>
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Emergency clause. In view of the emergency cited in the preamble, this resolve shall take effect when approved.

Effective June 26, 1987.

CHAPTER 54

H.P. 760 — L.D. 1023

**Resolve, to Direct a Comprehensive Examination
of the Health Threat of Radon and its Derivatives
upon Maine Citizens.**

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

Whereas, the presence of naturally occurring radon poses a grave threat to the health of the State's citizens; and

Whereas, standards for the collection of radon data, testing methodologies, remediation procedures and building construction are not available; and

Whereas, there are many questions of liability which could hinder real estate transactions resulting in economic loss; and

Whereas, a coordinated effort to investigate the problem and to develop a sound program of public education is vital; 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

Commission established. Resolved: That the Maine Study Commission on Radon is established. The commission shall be comprised of the following 13 members: 2 Senators to be appointed by the President of the Senate; 2 members of the House of Representatives to be appointed by the Speaker of the House; 2 members from the Bureau of Health to be appointed by the Commissioner of Human Services; 2 members from the

University of Maine System, one of whom shall represent the Department of Engineering and one of whom shall represent the Cooperative Extension Service, to be appointed by the Chancellor of the University of Maine System; and one member representing real estate brokers and salesmen and one member representing labor, one member representing the construction industry, one member representing the Maine Municipal Association and one physician to be appointed by the Governor; and be it further

Procedures. Resolved: That the appointing authorities, after making an appointment, shall provide the Executive Director of the Legislative Council with notice of their appointments within 30 days. The Governor shall designate one of the representatives from the Bureau of Health to be the chairman of the commission. The Governor shall call the first meeting of the commission within 60 days of the effective date of this resolve; and be it further

Duties. Resolved: That the commission shall undertake a comprehensive study with the ultimate task of establishing standards and programs to protect the citizens of this State from the dangers of radon gas and radon progeny contamination. The study shall include, but not be limited to, the following issues:

1. Coordination of efforts of various state and local agencies to deal with radon related problems, including at least the Division of Health Engineering, the Department of Environmental Protection, the Real Estate Commission, the Plumbers' Examining Board, the Maine Municipal Association and municipal officers and others involved with municipal building codes and regulations;

2. Standards used in the collection of radon-related data, including the establishment of a schedule of exposure and risk probabilities, and whether the high-risk areas in the State may be determined through a series of tests;

3. Testing methodology available, including exploration of the technological possibilities to ensure the utmost accuracy in testing for radon and radon progeny contamination presence and exposure;

4. Examination of current or emerging methods used in other states or jurisdictions for dealing with radon-related issues;

5. Certification standards for inspection for radon and radon progeny presence and installation of corrective or remedial devices, including a determination of which persons, agency or agencies shall be allowed or certified to conduct testing and the establishment of a certification mechanism for installers of devices to remedy or correct a radon exposure problem;

6. Establishment of standards for new home construction and corrective and remedial measures, taking into consideration building standards and the fact that the