

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**Sec. 4. 10 MRSA §1415-B**, as enacted by PL 1985, c. 370, §4, is repealed.

**Sec. 5. 10 MRSA §1415-C, sub-§1, ¶D**, as enacted by PL 1987, c. 818, §4, is amended to read:

D. Slab-on-grade floors must have perimeter insulation of either:

(1) R-10 when the insulation extends downward from the top of the slab to the design frost line; or

(2) ~~R-20~~ R-10 when the insulation extends around the perimeter itself and horizontally beneath the slab for a distance equivalent to the depth of the frost line.

**Sec. 6. 10 MRSA §1415-C, sub-§§3 to 6** are enacted to read:

**3. Multifamily structures.** Effective January 1, 1990, in addition to conforming to the requirements of this section, any new construction or renovation of a conditioned space in a residential building of more than 2 dwelling units shall conform to the ASHRAE 90 standards under any of the compliance methods specified in the standards. For the purposes of this section, conformance to the ASHRAE 90 standards shall consist of those standards, which are not in conflict with this section, established for the building envelope, heating, ventilating and air-conditioning systems and equipment, service water heating and lighting power limits and controls.

**4. Waiver.** A waiver from subsection 3 may be granted by the director on a case-by-case basis for instances of renovation as defined by section 1413, subsection 15. In regards to the renovation of historic buildings, a waiver shall be granted when the Executive Director of the State Historic Preservation Commission determines that adherence to the energy building standards would result in irreparable damage to the historic character of a building on the National Register of Historic Places, eligible for nomination to the national register or designated as a historic building by a certified municipal historic preservation ordinance. In other instances, such as the rebuilding of a structure damaged by fire or a historic preservation project when maintaining historic character is not an issue, the director may grant a waiver when it can be shown that the additional cost of meeting the energy building standards would make the building renovation economically infeasible.

**5. Waiver decision.** The director shall render a decision on an application for a waiver from the standards within 30 days of the receipt by the director of a complete application for a waiver. In rendering a decision, the director may place conditions upon the granting of a waiver. Failure on the part of the director to render a decision within the 30-day period shall constitute approval of the request for the waiver.

**6. Waiver application.** A request for a waiver under subsection 4 shall be submitted to the Office of Energy

Resources in writing and shall contain the location of the renovation, the intended use of the building and the names of the owner, designer and contractor or builder. If applying for a waiver under the historic preservation provisions of subsection 4, information on the historic character of the building shall be provided to the director. If applying for a waiver under the economic hardship provisions of subsection 4, information on the economic infeasibility shall be provided to the director.

**Sec. 7. 10 MRSA §1415-F** is enacted to read:

**§1415-F. Manual of Accepted Practices**

The director shall prepare a Manual of Accepted Practices, which shall consist of building procedures and building materials to enable builders of one-family and 2-family structures to conform to the residential standards in section 1415-C.

**Sec. 8. 10 MRSA §1416**, as amended by PL 1979, c. 636, §§3 to 5, is repealed.

**Sec. 9. 10 MRSA §1418**, as amended by PL 1979, c. 676, §7, is repealed.

**Sec. 10. 10 MRSA §1420, sub-§§1 and 2**, as enacted by PL 1987, c. 818, §5, are repealed.

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

Effective April 28, 1989.

## CHAPTER 76

H.P. 263 - L.D. 375

### An Act to Provide that Medical Information in the Files of the Maine State Retirement System is not Public Information

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

**5 MRSA §17057** is enacted to read:

**§17057. Medical information not public record**

Medical information of any kind in the possession of the retirement system, including information pertaining to diagnosis or treatment of mental or emotional disorders, shall be confidential and not open to public inspection and shall not be "public records" as defined in Title 1, section 402, subsection 3. Records containing medical information may be examined by the employee to whom they relate or by the State or participating local district employer of the employee for any purposes related to any claim for workers' compensation or any other benefit. The employee shall be advised in writing by the retirement system of any request by the employer to examine the employee's medical records.

Medical information obtained pursuant to this section shall remain confidential, except as otherwise provided by law, when involved in proceedings regarding workers' compensation or claims for other benefits.

See title page for effective date.

## CHAPTER 77

H.P. 496 - L.D. 676

### An Act to Provide that Certain Interest and Income Earned May Be Credited to the Maine State Retirement System for Administration

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

**Sec. 1. 5 MRSA §19005, first and 2nd ¶¶**, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

The "~~Contribution Fund~~", "Contribution Fund," as heretofore established, shall consist of and there shall be deposited in ~~such~~ the fund: All contributions, interest and penalties collected under section 19004; all ~~moneys~~ money appropriated thereto under this chapter; any property or securities and earnings thereof acquired through the use of ~~moneys~~ money belonging to the fund; interest earned upon any ~~moneys~~ money in the fund; and all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other ~~moneys~~ money received for the fund from any other source. All ~~moneys~~ money in the fund shall be mingled and undivided. Subject to this chapter, the state agency is vested with full power, authority and jurisdiction over the fund, including all ~~moneys~~ money and property or securities belonging thereto, ~~and~~ The state agency shall invest the fund pursuant to section 17153, subsection 3 and credit all interest and income earned in excess of that needed, for the purposes set forth in this section, to the expense fund of the state agency, to be used to prepare and, if approved by the Legislature, implement a portable and integrated retirement plan for participating local districts and to defray the cost of administration for those districts that participated in the social security system through the Maine State Retirement System. The state agency may perform any and all acts whether or not specifically designated, which are necessary to the administration ~~thereof~~ of the Contribution Fund and are consistent with this chapter.

The Contribution Fund shall be established and held separate and apart from any other funds or ~~moneys~~ money of the State and shall be used and administered exclusively for the purpose of this chapter. ~~Withdrawals~~ Subject to this section, withdrawals from such the fund shall be made for, and solely for, payment of amounts required to be paid to the Secretary of the Treasury pursuant to an agreement entered into under section 19003; and refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

**Sec. 2. Plan preparation.** The Maine State Retirement System shall prepare a portable and integrated

retirement plan for its participating local districts and shall prepare and submit legislation for the implementation of this plan. The legislation shall be submitted no later than December 1, 1990.

See title page for effective date.

## CHAPTER 78

S.P. 270 - L.D. 698

### An Act to Clarify Certain Provisions in the Maine State Retirement System Laws

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

**Sec. 1. 5 MRSA §17851, sub-§1**, as amended by PL 1987, c. 256, §12, is further amended to read:

**1. Member in service.** A member who is in service when ~~he reaches~~ reaching 60 years of age, or is in service after reaching 60 years of age, qualifies for a service retirement benefit if the member:

A. Retires upon or after reaching 60 years of age; and

B. Has been in service for a minimum of one year immediately before retirement or has at least 10 years of creditable service, which may include creditable service as a member of the Maine Legislative Retirement System under Title 3, section 701, subsection 8, before becoming a member of the Maine State Retirement System; ~~and~~.

**Sec. 2. 5 MRSA §17851, sub-§2**, as amended by PL 1987, c. 256, §13, is further amended to read:

**2. Member not in service.** A member who is not in service when ~~he reaches~~ reaching 60 years of age qualifies for a service retirement benefit if the member:

A. Retires upon or after reaching 60 years of age; and

B. Has at least 10 years of creditable service or 5 full terms as a Legislator, which may include creditable service as a member of the Maine Legislative Retirement System under Title 3, section 701, subsection 8, before becoming a member of the Maine State Retirement System; ~~and~~.

**Sec. 3. 5 MRSA §17906, sub-§2, ¶E**, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

E. Any dispute about amounts paid or payable under worker's compensation, or about the amount of the lump-sum settlement and its ~~proportion~~ attributions shall be determined on petition, by a single member of the Workers' Compensation Commission, in