

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Sec. 3. 38 MRSA §1272, sub-§14, as enacted by PL 1987, c. 448, §1-C, is repealed.

Sec. 4. 38 MRSA §1273, sub-§3, as enacted by PL 1987, c. 448, §1-C, is repealed.

Sec. 5. 38 MRSA §1273, sub-§4, as enacted by PL 1987, c. 448, §1-C, is amended to read:

4. Exemption. Asbestos abatement activities undertaken in single-unit residential buildings of 4 dwelling units or less shall be exempt from the requirements of this section if limited to heating equipment and performed by persons licensed by the Oil and Solid Fuel Board under Title 32, chapter 33, to install, repair, remove or service heating equipment. Asbestos abatement activities related to disposal undertaken at licensed asbestos disposal sites are exempt from the requirements of this section.

Sec. 6. 38 MRSA §1274, sub-§5, as enacted by PL 1987, c. 448, §1-C, is amended to read:

5. Asbestos abatement worker. All employees engaged in asbestos abatement activities and not otherwise certified under this chapter shall be certified as asbestos abatement workers. To qualify for certification, an applicant shall show evidence satisfactory to the commissioner that he the applicant has completed 32 hours of training in a training course certified by the commissioner as appropriate for the safe and proper removal, encapsulation or handling of asbestos. ~~The commissioner shall provide for interim certification for a period not to exceed 30 days upon completion of a worker orientation program approved by the commissioner.~~

See title page for effective date.

CHAPTER 326

H.P. 1159 - L.D. 1613

An Act to Clarify Provisions of the Subdivision Law

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

Sec. 1. 30-A MRSA §4401, sub-§4, ¶C, as enacted by PL 1989, c. 104, Pt. A, §45, and Pt. C, §10, is amended to read:

C. A lot of 40 or more acres shall not be counted as a lot, except:

(1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or

(2) When a municipality has, by ordinance, or the municipal reviewing authority has, by

regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance.

Sec. 2. 30-A MRSA §4406, sub-§1, ¶B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

B. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any applicable subdivision approval standard, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the registry of deeds.

(1) In the case of an amendment, if no amended plan is to be recorded, a certificate shall be prepared in recordable form and recorded in the registry of deeds. This certificate shall:

(a) Indicate the name of the current property owner;

(b) Identify the property by reference to the last recorded deed in its chain of title; and

(c) Indicate the fact that a variance, including any conditions on the variance, has been granted and the date of the granting.

(2) The variance is not valid until recorded as provided in this paragraph. Recording must occur within ~~30~~ 90 days of the final subdivision approval or the variance is void.

See title page for effective date.

CHAPTER 327

H.P. 1083 - L.D. 1505

An Act to Amend the Maine Tort Claims Act

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

14 MRSA §8107, sub-§1, as amended by PL 1987, c. 740, §6, is further amended to read:

1. Notice requirements for filing. Within 180 days after any claim or cause of action permitted by this chapter accrues, or at a later time within the limits of section 8110, when a claimant shows good cause why notice could not have reasonably been filed within the 180-day limit, a claimant or

a claimant's personal representative or attorney shall file a written notice containing:

- A. The name and address of the claimant, and the name and address of his the claimant's attorney or other representative, if any;
- B. A concise statement of the basis of the claim, including the date, time, place and circumstances of the act, omission or occurrence complained of;
- C. The name and address of any governmental employee involved, if known;
- D. A concise statement of the nature and extent of the injury claimed to have been suffered; and
- E. A statement of the amount of monetary damages claimed.

See title page for effective date.

CHAPTER 328

H.P. 1082 - L.D. 1504

An Act to Continue Habilitation and Vocational Rehabilitation Services to Eligible Clients

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

Whereas, under current law eligibility for certain habilitation and vocational rehabilitation services ends when the client reaches age 26; and

Whereas, this legislation must be effective sooner than 90 days after the end of the legislative session in order to avoid interruption of important services to clients who will become 26 before that time; 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:

34-B MRSA §5609, sub-§1, ¶C is enacted to read:

C. All clients served under this program prior to their 26th birthday shall be allowed to continue to receive services through the voucher system established by subsection 2.

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

Effective June 16, 1989.

CHAPTER 329

S.P. 520 - L.D. 1427

An Act to Combine and Coordinate Services to Maine's Elderly with Services to Other Adults in a Single Bureau of the Department of Human Services

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

Sec. 1. 22 MRSA §1, 3rd ¶, as amended by PL 1985, c. 785, Pt. B, §82, is further amended to read:

The commissioner may employ any bureau and division heads, deputies, assistants and employees who may be necessary to carry out the work of the department. All personnel of the department shall be under the immediate supervision, direction and control of the commissioner. These personnel shall be employed subject to the Civil Service Law, except the: Deputy Commissioner; Director, Bureau of Social Services; Director, Bureau of ~~Maine's Elderly~~ Elder and Adult Services; Director, Bureau of Health; Director, Bureau of Rehabilitation; Director, Bureau of Income Maintenance; Director, State Health Planning and Development Agency; Director, Bureau of Medical Services; and Assistant Deputy Commissioners.

Sec. 2. 22 MRSA §1, 4th ¶, as repealed and replaced by PL 1977, c. 674, §19, is amended to read:

The Director, Bureau of Resource Development and the Director, Bureau of ~~Maine's Elderly~~ Elder and Adult Services, shall be appointed by the commissioner, after consultation with the Maine Committee on Aging and the Maine Human Services Council. Each of these directors shall be appointed and serve in the unclassified service at the pleasure of the commissioner. Any vacancy in each of these positions shall be filled by appointment as in this paragraph for a like term.

Sec. 3. 22 MRSA §3472, sub-§2-A is enacted to read:

2-A. Bureau. "Bureau" means the Bureau of Elder and Adult Services of the Department of Human Services.

Sec. 4. 22 MRSA §3472, sub-§§4 and 5, as amended by PL 1981, c. 527, §2, are amended to read:

4. Commissioner. "Commissioner" means the Commissioner of Human Services or ~~his~~ a designated representative in the geographical area in which the person resides or is present or, in the case of mentally retarded adults, the Commissioner of Mental Health and Mental Retardation or ~~his~~ a designated representative in the geographical area in which the person resides or is present.

5. Department. "Department" means either the Department of Human Services and through its Bureau of Elder and Adult Services or, in the case of mentally retarded